



CITY OF KIRKLAND

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
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MEMORANDUM

Date: June 5, 2012

To: Planning Commission and Houghton Community Council

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Subject: 2012 MISCELLANEOUS ZONING/MUNICIPAL CODE
AMENDMENTS PUBLIC HEARING (ZON12-00002)

RECOMMENDATION

- Receive public testimony and deliberate on the proposed Miscellaneous Kirkland Zoning Code (KZC) and Municipal Code (KMC) amendment project.
- Deliberate and make a recommendation on the amendments that will be transmitted to the City Council for their consideration. Each hearing body should provide a separate recommendation.

BACKGROUND DISCUSSION

The complete roster of proposed Zoning Code and Municipal Code Amendments is Attachment 1 to this memorandum. The work program is Attachment 2. Further information on the Miscellaneous Code Amendments is available on the City website by following this [link](#).

This joint public hearing follows a series of three meetings where the Houghton Community Council (HCC) and the Planning Commission (PC) separately studied the various proposed amendments to the KMC and KZC. The latest study sessions were held on April 23 (HCC) and April 26 (PC) continued to May 10 (PC). City Council review and adoption is scheduled for July 17. The HCC is scheduled to take final action on July 23.

Background information on each proposed amendment is contained in staff memorandums prepared for the study sessions preceding the public hearing. The staff memorandums and audio recording of each meeting can be accessed by following the links below. Please refer to these for in depth background

information. Information on the proposed hazardous liquid pipeline amendment is not contained in the April 23 HCC staff memorandum since that issue is outside the Houghton jurisdiction.

January 12 (PC) [audio](#) and [staff memorandum](#)

January 23 (HCC) [audio](#) and [staff memorandum](#)

February 27 HCC [audio](#) and [staff memorandum](#)

March 8 (PC) [audio](#) and [staff memorandum](#)

April 23 HCC [audio](#) and [staff memorandum](#)

April 26 (PC) [audio](#) and [staff memorandum](#)

May 10 (PC) [audio](#) and [staff memorandum](#)

After the most recent series of study sessions in April/May, the following new amendments were added, and they are summarized in this memorandum for the first time:

- Elimination of Proposals Requiring Approval through Process III KZC Section 152.10
- Correction of a special regulation in KZC Section 18.10.010 addressing minimum lot size in RSA 4 and 6 zones in, which was changed with Green Code amendments.
- Correction of Parking Modification reference in KZC Section 105.103.3.3.c
- Addition of a general regulation to TL7 KZC Section 55.49 to reference hazardous liquid pipeline regulations, because the Olympic Pipeline runs through that zone.

A draft amendment for each proposed change to the Kirkland Zoning Code and/or Municipal Code is included in this memorandum for consideration by the PC and HCC.

AMENDMENTS GENERAL

The memo is organized by level of significance. The sections below provide a breakdown of the proposed KZC/KMC amendments, grouped by their policy level implications: "*No Policy*", "*Minor Policy*", and "*Moderate Policy*" changes.

Please Note: Topics with an asterisk (*) denote items that are within Houghton's jurisdiction.

NO POLICY CHANGES

The purpose of these amendments is to clarify and fix inconsistencies within the code. They make no changes to current policies.

Code Enforcement KMC Title 1 Section 1.12.050.(d).(6)

Purpose: Correct the reference regarding who gets the Hearing Examiner notice of decision after the required public hearing addressing a civil violation.

Background: This section mistakenly requires the decision to be mailed to the appellant and department director in the City of Kirkland issuing the civil violation (e.g. Planning Director, Public Works Director, etc). There is no longer an appeal hearing for code enforcement cases within the code enforcement procedures adopted in 2011. The use of the word "appellant" was a hold-over from the previous code enforcement code language. KMC 1.12.020 defines the term "person responsible for the violation" and this is the correct phrase to use in this section.

Staff Recommendation: See Attachment 3 for the draft amendment.

Single Family Residential RSA 4 and RSA 6 Minimum Lot Size KZC Chapter 18 Section 18.10.010 *(New amendment - added after the last study sessions.)*

Purpose: To correct an error to the minimum lot size in these zones, that occurred with the adoption of Ordinance 4350 in April 2012 for the Green Code Project.

Background: The proposed change will result in changing the minimum lot size for RSA 4 and RSA 6 zones back to that which was in effect prior to the Green Code amendments. The correct minimum lot size in the RSA 4 zone is 7,600 and in the RSA 6 zone it is 5,100 sq. ft.

Staff Recommendation: See Attachment 4 for the draft amendment.

Totem Lake 9B KZC Chapter 55 Section 55.64.010

Purpose: Add the density limitation of 5,000 square feet per dwelling unit for this zone, which was inadvertently missed with the adoption of Ordinance 4158 in 2008.

Background: This ordinance implemented the Gordon Hart private amendment request through codification of the TL 9A and 9B zones and established a 5,000 sq. ft. minimum lot size for the TL 9B zone. This minimum lot size is equivalent to the density being codified. In multifamily zones, a special regulation expresses density as minimum lot area per dwelling unit and this amendment does just that.

Recommendation: See Attachment 5 for the draft amendment.

***Trees and Landscaping KZC Chapter 95 Section 95.23.5.e.1**

Purpose: Correct the reference in subsection 5.e, which refers to the Tree Removal Allowances not associated with development activity, when seeking to cut trees on private property.

Background: As it now reads, it implies that these sites require a Forest Management Plan developed by a qualified professional, regardless of how many trees are proposed for removal. The intent is to require a plan for only those requests seeking to remove more than two trees in any 12 month period, the threshold used for all tree removal in Kirkland.

Staff Recommendation: See Attachment 6 for the draft amendment.

***Parking Modification KZC Chapter 105 Section 105.103.3.3.c** *(New amendment - added after the last study sessions.)*

Purpose: Correct code reference for decreasing the number of parking spaces. No change in criteria or process is proposed.

Background: This change will eliminate a reference to an incorrect section of the code.

Staff Recommendation: See Attachment 7 for the draft amendment.

***Process I Chapter 145 Section 145.22.2.a.**

Purpose: This amendment clarifies that state and federal agencies with jurisdiction must receive a Notice of Application for Process I development proposals.

Background: For example, WAC 173-27-110 requires notification to be given to the Department of Ecology and SEPA agencies with jurisdiction for all shoreline permits. Processes IIA and IIB (KZC Chapters 150 and 152) have already incorporated this language for shoreline conditional use and shoreline variances, respectively, as a follow-up to the SMP update. The same language would be added to Process I as is now in Process IIA and IIB.

Staff Recommendation: See Attachment 8 for the draft amendment.

Delete reference to Process III KZC Chapter 152 Section 152.10 *(New amendment - added after the last study sessions.)*

Purpose: To clean-up an outdated reference. Process III (KZC Chapter 155) was deleted from the code in 2011 by Ordinance 4286.

Background: This Process was eliminated from the Zoning Code on January 4, 2011 by Ordinance 4286. In 2002 all Process III reviews were changed to Process IIB (Hearing Examiner instead of Planning Commission makes a recommendation to City Council, which prior to that was in effect under an interim ordinance). The Planning Commission

continues to review legislative proposals including Zoning Amendments and Comprehensive Plan Amendments using Process IV. The proposed change should have occurred in 2011. The amendment eliminates the remaining code reference to Process III.

Staff Recommendation: See Attachment 9 for the draft amendment.

MINOR POLICY CHANGES

The proposed minor policy amendments make changes to existing regulations but the changes are generally not considered to be significant.

***Waterfront Districts (WD) I, II and III KZC Chapter 30 Sections 30.10,20 and 30.**

Purpose: To address situations when an upland lot that is within a Waterfront District I, II or III zone does not abut the shoreline, and therefore may have a rear yard rather than a shoreline setback yard.

Background: Currently there is no rear yard setback specified in the use zone charts for WD I and III. A special regulation addresses rear yard setbacks in WD II, but only for detached dwelling units.

To remedy this, the proposed amendment requires the same rear yard dimension for the use as is used in the comparable zoning classification. It applies to all but water dependent uses (which always abut the shoreline), in each of the WD zones.

For example, in the low density WD II zone located in the Market Neighborhood, the comparable Single Family Residential zone classification would be used. The RS zone requires a ten-foot rear yard setback. For public utilities a standard 20 foot rear yard setback would be used. Likewise, in each WD zone, a standard setback for the use in the comparable zone would be used.

Staff Recommendation: See Attachments 10-13 for the draft amendments.

***Required Yards related to a 2nd Story above Garage Rear Yard Setback Encroachment - KZC Chapter 115 Section 115.115.3.o**

Purpose: This code amendment would clarify whether or not a second story above a detached garage, which utilizes an alley for primary vehicular access, may encroach into the rear yard setback.

Background: The code is currently silent on what the setback is for a second story above a garage that has alley access. Currently, staff has allowed the second story to be located as close to the alley as the garage is allowed to be. Garages are required to setback feet when the garage door faces the alley, or to directly abut the alley, when the door is at a right angle to the alley. The amendment would

allow encroachment of 2nd story to within 5 feet of the open alley. Since nothing can be built within an alley, it serves as a setback area to the benefit of the lots on either side. With most alleys being 16' wide, a five foot setback from each side of the alley would create a minimum separation of 26 feet between 2nd story structures on each side of the alley. This would exceed the twenty foot separation created when lots have directly abutting rear yards. This setback provides the opportunity for upper story setbacks in situations where the garage access is from the side and the garage extends to the rear property line.

Staff recommendation: See Attachment 14 for the draft amendment.

***Vehicles, Boats and Trailers – Size in Residential Zones Limited Chapter 115
Section 115.150**

Purpose: This amendment would codify current practice of allowing oversized vehicles or boats to be stored in legally constructed fully enclosed structures in residential zones, without a permit.

Background: In registering oversized RVs in the annexation area, an issue arose about the intent of the code with regard to vehicles parked in an entirely closed structure (garage). A strict reading of the code requires a property owner to go through a Process I permit review if the size is over that which is allowed in the code. Since the intent of the code is to protect the community from adverse visual impacts it is unreasonable to require a permit when the RV is hidden inside a garage. Currently, staff has not been requiring vehicles in an enclosed building to be approved through Process I. The proposed amendment would codify this practice and allow an oversized vehicle or boat outright if it is parked in a legally constructed fully enclosed structure.

Recommendation: See Attachment 15 for the draft amendment.

***Front Yard Setback Flexibility in Low Density Residential Zones KZC
Chapters 5, 15, 17 and 18**

Purpose: This code amendment would give some setback relief when a parcel has two opposite front yards.

Background: There are a limited number of parcels with this configuration. As the Code now reads these parcels are required to provide two 20 foot front yard setbacks. King County requires two 10 foot setbacks in this situation.

Currently, RS and RSX corner properties with two front yards may choose which will be the front and allows the other to be reduced, acknowledging the constraint that two twenty-foot front yards puts on the building envelope.

The proposed amendment provides relief when there are two opposite front yards by requiring only one yard to be regulated as a front yard and the other regulated

as a rear yard. The proposal designates the side of the lot to which the front facade faces as the 20 foot front yard and the opposite as a 10 foot rear yard.

Staff Recommendation: See Attachments 16-19 for the draft amendments.

MODERATE POLICY CHANGES

These are considered more substantive changes to existing regulations.

Floor Area Ratio (FAR) Exemptions Chapter 115 Section 115.42.

Purpose: This amendment would clarify whether stairwells and vaulted areas should be exempt from FAR calculations, and if so, to what extent.

Background: The proposed change would result in vaulted areas no longer being exempted from FAR calculations, and clarify that stairwells are also not exempt. Elimination of stairwell and vaulted area exemptions would both simplify the FAR calculations and provide a more true measurement of building volume/mass. Attic and basement partial exemptions that do not add to the perception of mass would remain. ADU partial exemptions would remain as an incentive to provide alternative housing.

The amendment satisfies the need to reconcile including the vaulted space and stairwells in the calculation with the definition of Gross Floor Area, which is used to calculate FAR. The challenge is that the GFA definition is based on measuring all *floors* in a structure. An argument can be made that vaulted areas and stairwells are not GFA since they are not floors, and that they therefore shouldn't be included in the FAR calculation. To get around that, the proposed amendment revises how FAR is measured, to include the entire square feet for each *level* of the structure, rather than each floor.

The impact of adding these areas back into the FAR calculation is minimal. The Building Code requires a minimum of just under 35 square feet for a stairwell (32.5 sq. ft. based on maximum step height (riser), minimum foot space (tread) and minimum stair width) That plus the current 100 sq. ft. partial vaulted space exemption is about 135 square feet. While the impact to the permitted size of the home is minor, the permit review time savings is significant.

Codifying a standard will help ensure that applicants understand how the City will review their permit application and cut down on staff review time.

Staff Recommendation: See Attachment 20 for the draft amendment.

***PLA 16 Equestrian Regulations Chapter 160 Section 160.182.010 and Miscellaneous Regulations Animals in Residential Zones, Large Domestic Animals, Horses Chapter 115 Section 115.20.4**

Purpose: The amendments are proposed to eliminate redundancy between existing horse regulations contained in the PLA 16 use zone chart and Miscellaneous Large Domestic Animals regulations regarding horses, which apply citywide. They would also clarify which equestrian requirements apply specifically to the Kirkland Hunt Club, an approved master plan development in PLA 16. They also would eliminate the requirement for an equestrian trail in PLA 16, which already exists.

Background: There are three different sets of rules regarding keeping of horses in Kirkland. One applies to the recorded Hunt Club master plan; the second applies to RS 35 and RSX 35 zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park or residential lots in PLA 16 zone which are not part of a recorded master plan; and the third applies to all other zones in Kirkland. The proposed amendments aim to clarify which requirements apply to each area.

The changes mirror the regulations in the existing animal use zone chart, PLA 16 zone regulations and Section 115.08 for accessory structures, except for the following two proposed changes:

- Existing Special Regulation 2 criteria would now be tied to the Process I review to determine the appropriate number of horses on lots less than 35,000 square feet. The existing criteria in Special Regulation 2 are:
 1. Proximity to dwelling units both on and off the subject property;
 2. Lot size and isolation;
 3. Compatibility with surrounding uses; and
 4. Potential noise impacts.

There is no required review process for the keeping of horses on lots of 35,000 sq. ft. or greater or in the approved master plan site located in the PLA 16 zone, so the criteria in Special Regulation 2 would only apply to lots that must go through a Process I to keep horses.

- The maximum number of horses on lots less than 35,000 sq. ft. is changed from 1 horse to up to 2 horses. The Process I review will determine the appropriate number of horses based on the criteria in Special Regulation 2. For example, it may be appropriate to allow two horses on a lot size of 34,500 sq. ft. which is just below the 35,000 sq. ft. lot standard for two horses.

In the process, of drafting these amendments staff reformatted the entire Section on Animals in Residential Zones, by eliminating the use zone chart. The reformatted version of the entire chapter should be considered as part of this amendment.

Staff Recommendation: See Attachments 21-23 for the draft equestrian amendments (and reformatting of the entire chapter).

*** Miscellaneous Regulations Animals in Residential Zones, Small Domestic Animals, Chickens Chapter 115 Section 115.20.4**

Purpose: Draft new regulations for the keeping of chickens and roosters.

Background: Interest in the keeping of backyard chickens has been growing in Kirkland and regionally. Currently chickens and roosters are regulated as small domestic animals, along with other fowl. The proposed amendment would establish new stand-alone regulations for the keeping of chickens with the aim of supporting this activity while limiting impacts such as noise and odor in a suburban setting.

Various jurisdictions' regulations were used for comparison purposes to help draft the recommendation. They were used as a starting point for coop and run standards, lot size and maximum number of chickens, as well as for permitting roosters, among other issues.

The proposed regulations would limit the keeping of chickens to lots of at least 5,000 sq. ft. The regulations would permit two chickens on 5,000 sq. ft. lots and one additional chicken for each additional 1,000 sq. ft. to a maximum of 20 chickens on a 23,000 sq. ft. or larger lot.

Existing rules prohibit chickens on lots less than 35,000 sq. ft., except in JFK annexation neighborhoods where chickens are allowed regardless of size lot (maximum 3). In the entire city, a maximum of 20 chickens are allowed on lots greater than 35,000 sq. ft. plus 1 for each additional 500 sq. ft.

The proposed regulations prohibit roosters, except that in the JFK neighborhoods roosters that existed prior to annexation may remain. The idea is not to penalize those who now have them. The grandfathering would allow no more than 3 roosters on lots less than 35,000 sq. ft. and no more than 20 on lots greater than 35,000 sq. ft. This is what is currently allowed in the JFK neighborhoods since annexation. In the rest of the City, current regulations allow 20 roosters on lots greater than 35,000 sq. ft. and none on smaller lots. The main concern is noise.

See attachments 25-27 for emails/letters received on this topic that either were not included in the packet prepared for the February (HCC) and March 8 (PC) study sessions or received subsequently. Also, see Attachment 28 for a map showing those low density residential properties within the city limits with 35,000 sq. ft. and greater lots.

Staff Recommendation: See Attachment 23 for the draft chicken amendments (and reformatting of the entire chapter). This proposal is a starting point for the consideration of chicken regulations based upon PC direction at the April 26 study session. See Attachment 24 for deleted KMC Title 8 which is replaced with the new regulations. Staff recommends that the following questions be considered at the public hearing before making a recommendation to City Council:

1. The proposed regulations establish a minimum lot size of 5000 sq. ft. for keeping chickens outside of the JFK neighborhoods. Should chickens be allowed on any size of lot as in the JFK neighborhoods?
2. The proposed regulations allow roosters in the JFK neighborhoods only on lots which had roosters prior to annexation. Should roosters be allowed in the JFK neighborhoods on all lots as is now the case?
3. The proposed regulations prohibit roosters outside of the JFK neighborhoods. Should they continue to be allowed on lots greater than 35,000 sq. ft. as is now the case?

***Application of Small Lot and Historic Preservation Subdivision Regulations throughout the City Title 22- Subdivisions KMC**

Purpose: Apply small lot and historic residence regulations city-wide, where appropriate. The small lot regulations now apply only in the Norkirk, Market, Lakeview and Central Houghton Neighborhoods. The historic regulations now apply only in the Norkirk and Market Neighborhoods.

Background:

Small Lot Single Family Subdivisions

As proposed, this incentive would be expanded to those neighborhoods in Kirkland that are not in the Juanita, Finn Hill and Kingsgate (JFK) neighborhoods. Within the JFK neighborhoods, the small lot provisions are not an incentive since these areas already have the benefit of small lot size without FAR restriction due to the range of lot size allowed.

In the rest of the City, the proposed amendments would work in the RS and RSX 6.3, 7.2 and 8.5 zones. In other zones small lot provisions do not apply due to the following concerns:

- PLA 16, RS 35 and RSX 35 zones north and north east of the Bridle Trails State Park - because it would not be feasible to provide required equestrian paddocks on smaller lots. In addition, the RS and RSX 35 zones up in the Bridle Trails neighborhood not north or northeast of the Bridle Trails State Park are either heavily wooded (e.g. Bridlewood Circle) or may exhibit some other unknown constraint that warrants a closer look.
- PLA 3C and RS 12.5 zones in the Lakeview neighborhood - because of restrictions on development on steep slopes.
- Waterfront District II zone in the Market Neighborhood - since during that neighborhood plan update in 2007 that decision was already made, probably due to steep slope concerns.

- RS 5.0 zone in Norkirk - because during the 2007 plan update, the further reduction to an already small lot size was not acceptable to the neighborhood. This rationale could be used in the rest of the City.
- Steep slopes are also a concern in RS 12.5 zone locations other than in the Lakeview neighborhood, so until a more thorough analysis is done, the RS 12.5 zone should be excluded. Examples are located in the Juanita slope area.
- Low density PLA zones - because of some constraint that would trump this incentive.

The minimum lot size for the RSX 8.5 zones will be the same as for RS 8.5 zones. The minimum lot size for the RSX 7.2 zones will be the same as for the RS 6.3 and RS 7.2 zones.

Historic Preservation Subdivisions

We know that the most historic structures are in the Market and Norkirk neighborhoods but making it available to neighborhoods other than Market and Norkirk makes sense. In the JFK neighborhoods the historic preservation incentive could be applied, using the same provisions as in the rest of Kirkland.

Currently, KMC 22.28.048 allows up to two lots in a subdivision to be less than the minimum lot area required in that zone, (allowing the same reduced lot size for both lots) if a designated historic home is preserved on one of the lots. The FAR on the lot without the historic home would remain as required for the underlying zone. For example, in the RSA 4 zone, the minimum lot size is 7600 square feet and the floor area of houses is limited to 50% of the lot size. However, the historic structure is limited to no more than 30% of the lot size - or 35% if the house has a sloped roof, and the other lot is developed to the same standards as are required for the underlying zone.

The proposed amendments would exclude the application of the historic preservation incentive in the following zones for the reasons listed:

- PLA 16, RS 35 and RSX 35 zones north and north east of the Bridle Trails State Park because it would not be feasible to provide required equestrian paddocks on smaller lots.
- PLA 3C and RS 12.5 zones in the Lakeview neighborhood, because of restrictions on development on steep slopes.
- RSA 1, which is an urban separator that is intended to remain open space,
- RSA 8 zones where the minimum lot size is already 3,800, which is probably the lowest acceptable lot size limit.

- Holmes Point Overlay Zone, where tree preservation goals would be counter to the further reduction of lot size.
- Low density PLA zones - because of site specific constraints that may be incompatible with this incentive.

The minimum lot size for the RSA 4 and RSX 8.5 zones will be the same as for RS 8.5 zones. The minimum lot size for the RSA 6 and RSX 7.2 zones will be the same as for the RS 6.3 and RS 7.2 zones, respectively.

Since RS and RSX 35 zones aren't found in the Market and Norkirk neighborhoods no provisions are in the existing regulations for this zone. So to be consistent, the proposed amendments use the same methodology to determine the minimum lot size as was used to calculate the RS and WD II zone minimum lot size. For those RS and RSX 35 zones not excluded from this incentive, a 43% reduction to lot size would be allowed, as it is in the WD II zone now. In this case the minimum lot size for both lots in the RS and RSX 35 zones would be 15,050 sq. ft.

Staff Recommendation: Adopt the proposed amendments shown in Attachments 29-31.

Hazardous Fuel Pipeline Regulations

Purpose: Draft new KZC regulations addressing hazardous fuel pipelines due to the annexation of a portion of the Olympic Pipeline in the Kingsgate Neighborhood. The pipeline also abuts the Bridle View subdivision, in the Bridle Trails Neighborhood.

Background:

The new regulations are intended to lessen but not eliminate risk associated a pipeline accident. They are also intended to protect the pipeline during construction. Prior to annexation, King County regulated land use development near the pipeline.

The proposed regulations require consultation with and conformation of review by the pipeline operator before the applicant's permit request is deemed complete. High consequence land uses, (those that house vulnerable populations or serve critical lifeline or emergency functions), would be required to be setback from the pipeline corridor (pipeline easement or fee simple property) 500 feet. If an expansion of a high consequence land use is proposed, a decreased setback may be considered based upon decisional criteria. , Unless a variance is granted, a setback cannot be less than 25 feet from the pipeline. For other land use development, a 30 foot setback from the pipeline corridor is proposed. Exempt proposals would be other than high consequence land uses that do not include modifications to existing structures involving landfilling or excavation on site, or changes to offsite improvements.

Staff Recommendation: Adopt the proposed amendments shown in Attachment 32-34.

***Nonconforming Density- Special Provisions for Continued Uses –
Limitations on Maintaining, Repairing and Remodeling Structures with
Nonconforming Density- Chapter 162 Section 162.60**

Purpose: Provide more flexibility in remodeling structures with nonconforming density without having to bring the density into conformance with current zoning.

Background: Concerns about the nonconforming density regulations arose when the Lakeview and Central Houghton Neighborhood Plans were being prepared. At that time, the Houghton Community Council and Planning Commission agreed to review the regulations and consider easing restrictions on maintenance, repair and remodeling. The following factors support the proposed amendments:

- In practice, restrictions on remodeling do not result in a reduction of density, as apparently intended; they just limit the amount of remodeling that property owners are able to do. It is not in the public interest to restrict remodeling which would improve the appearance and functionality of buildings.
- Retention of density supports objectives of the Growth Management Act. Loss of units would require additional new development to meet city growth targets.
- Many buildings with nonconforming density are condominiums. It is unreasonable and impractical to require a reduction in the number of units when remodeling condominium buildings.
- Zoning regulations address different nonconforming features differently (for example, nonconforming height, setbacks and parking each have different rules for when conformance is required). Providing more flexibility in remodeling buildings with nonconforming density will not affect how other nonconformances are regulated.

Recommendation: Adopt the proposed amendments shown in Attachments 35. Letters are included as Attachments 36 and 37. The amendments include elimination of the existing requirement to maintain at least 75% of the nonconforming density as directed by the Planning Commission at its May 10, 2012 study meeting.

***Extension of Land Use Permit Approvals– KZC 113.45, 117.100, 125.80, 142.55, 145.115, 150.135, and 152.115; KMC 22.16.010, 22.16.130 and 22.20,370**

Purpose: To codify the interim regulations that have been in place during the economic recession (since 2009) and allow the City to approve requests for land use permit extensions.

Background: The interim regulations extend: 1) the recording period for plats, and 2) the time to begin construction or submit a building permit or to complete construction for zoning permits. The regulations have been renewed four times. At the last renewal the City Council directed staff to prepare options for review by the City Council's Economic Development Committee (EDC) to help determine if the City

should continue renewing or make permanent code changes. The EDC recommended codifying extended periods similar to provisions in the interim ordinance to promote economic development.

The legislature passed Engrossed House Bill (EHB) 2152 in the last session. This bill contains provisions relevant to this amendment. In summary, the bill:

- Establishes five, seven, and nine-year time limits for qualifying final plat submissions, land-use requirements governing lots in final plats, and land-use requirements governing subdivisions.
- Establishes date requirements governing the time limits, and conditions all nine-year time limits upon the project being within city limits and not subject to the Shoreline Management Act.
- Repeals two-year time extensions for final plats and subdivisions that temporarily extended associated time limits from five to seven years.

Staff Recommendation: Staff has prepared code language for several sections in the KZC and KMC (see Attachment 38). The proposed language:

- Makes Lapse of Approval sections consistent throughout the code to the greatest extent possible;
- Deletes some Lapse of Approval sections that duplicates language in other sections; and
- Uses the provisions of EHB 2152 as a guideline for establishing time periods for the Lapse of Approval sections in the KZC (and KMC) even though EHB 2152 only applies to final plats.

***Changes to Existing Non-conforming Personal Wireless Service Facilities (PWSF) - KZC 117.15, 117.20, 117.80, 117.105**

Purpose: To allow legal, non-conforming PWSF facilities in Kirkland to be upgraded without bringing the facilities into complete conformance with existing regulations.

Background: There are numerous PWSF facilities in Kirkland that are legally non-conforming. Following are broad categories:

- Utility poles with antenna located too high on the poles (mostly in the new neighborhoods);
- Rooftop antennas that extend above the roofline; and
- Monopoles that are higher than currently permitted and/or which have antennas that are not flush mounted.

AT&T representatives have indicated that upgrading to the latest wireless broadband technology, the new 4G network, requires several sites to be upgraded. Four such utility pole sites in the new neighborhoods were originally permitted in King County but upgrades would not be allowed in Kirkland. After discussions with staff, the issue was placed on the code amendment list.

Coincidentally, the Middle Class Tax Relief and Job Creation Act of 2012 was passed by Congress and signed into law in February, 2012 and includes Section 6409 called "Wireless Facilities Deployment." AT&T requested the City consider the new law along with the amendments. Relevant language to this discussion is as follows:

"...a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station."

During the study sessions, the HCC in general had no problem with replacing facilities "like for like." Of the 3 types of non-confirming PWSF, the PC expressed most concern about replacing antenna on monopoles without requiring substantial changes that will eventually improve the appearance of the tower. However, the City Attorney has advised that the new federal law applies to monopoles and limits the City's ability to require compliance or deny installation of new and replacement antenna that are similar to existing.

Staff Recommendation: Please see Attachment 39 for proposed amendments to Chapter 117. The amendments:

- Simplify the construction of 117.20 Applicability.
- Allow for replacement of legal, non-confirming PWSF that do not substantially change the PWSF or impacts on the neighborhood.
- Permit new antenna to be added to "crow's nests" on monopoles that do not substantially change the PWSF or impacts on the neighborhood.

***Application of Electronic Readerboard Sign Regulations at Junior High/Middle Schools and High Schools and in Single Family Residential RS, RSX, RSA Zones - – Sections 15.10.030, 17.10.030, and 18.10.030, and Yarrow Bay District (YBD) 3 – Section 56.20**

Purpose: To allow electronic readerboard signs to be located at high schools and junior/middle schools in Kirkland. The regulations already apply at Juanita and Lake Washington High Schools.

Background: The Lake Washington School District wrote to the City requesting that junior high/middle schools and high schools be allowed to have electronic readerboard signs. In particular, the principal and several students from Finn Hill Junior High expressed interest in locating a readerboard at their new school. During the study sessions, the HCC expressed concern about the potential for driver distraction and traffic safety, and recommended that only one sign should be allowed per site regardless of the number of schools on the site. The PC had the same concerns and discussed the importance of carefully locating the signs on the sites. The PC supported allowing the signs at private as well as public schools. The school district representative stated that the existing KZC standards for readerboards at LWHS and JHS are acceptable for any new signs.

Staff Recommendation: Amend the existing language in the RSX use zone chart and insert new language into the RS, RSA and YBD 3 Use Zone Charts (Special Regulation section) for "School or Day-Care Center" (see Attachment 40) as follows:

Electrical signs shall ~~not~~ be permitted ~~except~~ at Junior High/Middle Schools and High Schools. One pedestal sign with a readerboard having electronic programming is allowed per site at each high school only if:

- a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
- b. The electronic readerboard is no more than 50 percent of the sign area;
- c. Moving graphics and text or video are not part of the sign;
- d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
- e. The electronic readerboard displays messages regarding public service announcements or school events only;
- f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
- g. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m.;
- h. ~~The school is located on a collector or arterial street to have the least impact on surrounding residential properties.~~

The City shall review and approve the location of the sign on the site. The sign shall be located to have the least impact on surrounding residential properties. If it is determined that ~~the a proposed~~ electronic readerboard ~~would~~ constitutes a traffic hazard ~~for any reason~~, the Planning Director may impose ~~additional conditions~~ restrictions or deny the readerboard.

***Entertainment, cultural and recreation uses in various zones. Definitions
Chapter 5.10.140, .153, and new definitions .279 and various use zone charts**

Purpose: These amendments would provide consistency in the terminology used for entertainment, cultural and recreation uses in various zones.

Summary: The amendments would:

- Provide a new definition for "Entertainment, Cultural and /or Recreational Facility";
- Amend existing permitted uses in various zones to consistently use the term "Entertainment, Cultural and/ or Recreational Facility." Zones affected would be
 - JBD 1, 2, 4, 5 and 6
 - RHBD 1A, 2A, 2B, 3, 5A, 5B, 7 and 8
 - TL 2, 4A, 4B, 4C, 5, 6A, 6B, 7, 8, 10C, 10 D and 10E
 - BN
 - BC
 - PLA 9
- Add "Entertainment, Cultural and/ or Recreational Facility" to the LIT zone.

- Change the definition for “Commercial Recreation Area And Use” (applies only to PLA 16) to eliminate the distinction between “for profit” and “not for profit” that should not determine the suitability of the use to a particular location;
- Change the definition of “Community Facility” to eliminate reference to several uses that are more appropriate in another use listing, and
- Repeal the definition for “Athletic Instructional Facility” (applies only to TL 7).

Recommendation: Adopt the proposed amendments shown in Attachments 41 - 66.

Delete Heron Habitat Protection Area in Finn Hill Annexation Area – Chapter 90 – Section 90.127

Purpose: Delete Section 90.127 and Plate 39 which refer to Heron Habitat Protection Area regulations and map that was carried over from the County regulations upon annexation. The deletion of Section 90.127 and Plate 39 were inadvertently omitted from Ordinance 4303 dated June 7, 2011, to implement clarification of the City's Shoreline Master Program.

Background: Both the City and King County agree that there is no evidence of heron habitat, which would have been the basis for the County's regulation. The City's s Shoreline Inventory Analysis Report showed no herons in the Finn Hill annexation area and the County staff concurred since they have no documentation as to why the heron overlay existed. Ordinance 4303 did include an amendment to the RSA use zone charts general regulations that deleted the requirement to meet Section 90.127 and Plate 39. The amendments to delete these additional sections were meant to be done at that time.

Staff Recommendation: Adopt the proposed amendments shown in Attachments 67 and 68.

***New Single Room Occupancy (SRO) Regulations** *(not proposed for any zones within HCC jurisdiction)*

Purpose: Add a new permitted use to appropriate zones, allowing SRO/Residential Suites developments.

Background: Robert Pantley recently submitted a letter (Attachment 69) to the City requesting that the Zoning Code be amended to consider the unique parking requirements for SRO housing. The Council discussed this at the joint meeting with the Planning Commission on April 3. Consideration of a code amendment was added to the Planning Work Program.

SRO's and similar housing types go by many names in different jurisdictions (residential hotels, rooming/boarding house, apodments, congregate housing,

residential mini-suites, etc.). The basic concept falls somewhere between a hotel use and a dwelling unit use where individual rooms are rented with limited amenities in the room and additional amenities are shared between rooms. The individual units are very small and the trip generation and parking demand is typically much lower than conventional multi-family developments (see Attachment 70 for a Redmond project traffic analysis). The individual units do not fit the definition of a dwelling unit because of the shared facilities and do not fit the definition of a hotel because the units are not intended for transient use. Attachment 71 and 72 contain draft new regulations for this use. Staff is recommending that the use be codified with a new definition of "Residential Suites" rather than SRO because "SRO Hotels" have been defined in the Comprehensive Plan as a slightly different concept where bathroom and kitchen are always shared. The draft definition of "Residential Suites" includes parameters for the use and clarification of what is not included in the use. The exclusion of certain uses is important to avoid confusion with other allowed or restricted uses that are subject to different regulations.

Due to the limited amenities for this use and the suggested lower parking requirement, staff is recommending that the use only be included in zones within a ¼ mile walk distance of a transit center and with availability nearby shops and services to reduce dependence on automobiles. In addition, staff recommends limiting the use to zones that do not have residential density limits. As a result, only CBD 1, 2, 3, 4, 7, and 8 and TL 1A, TL 1B, and TL 2 are suggested for inclusion at this time as the zones that meet the identified locational criteria. All of those zones have existing design guidelines and Design Board Review in place, so no new design provisions are necessary to accommodate the use.

In discussions with Mr. Pantley, he has encouraged consideration of this use as a highly sustainable development pattern with regulations to promote sustainability. Sustainability can occur at many levels including minimizing dependence on automobiles and including green building as a core component of the use. Similar to recent codes for TOD at the South Kirkland Park and Ride and the for Parkplace redevelopment, the codes for this use have been drafted to advance sustainability measures. The code includes a requirement for managed parking that will require a transportation management program to ensure that the parking is adequate and auto dependence is reduced and aggressive green building requirements to reduce the overall environmental footprint of the development.

Attachment 73 includes articles from 2009 about similar projects in Seattle. Mr. Pantley has completed one SRO project in Redmond and plans to break ground on a second project in the near future. Staff has spoken to planning staff from City of Redmond and no issues were identified with the regulations or permitting of these projects, or with the operation of the completed project.

A letter was received from Karen Levenson regarding the proposed amendments (Attachment 74).

Staff Recommendation: Review the draft code amendments included in Attachments 71 and 72 and adopt them or direct staff to bring back changes for further consideration.

***Correction to School, Daycare-Center, and Mini-School or Daycare Center Special Regulations**

As use zones charts are amended, staff has been including a housekeeping amendment to delete an existing Special Regulation that references an incorrect section of the Washington Administrative Code (WAC). This is not a substantive change because State law requires compliance with the State's requirements so Kirkland's codes do not need to include any reference to the effect. The final ordinance will include deletion of these Special Regulations in the charts that are being amended with this round of miscellaneous code amendments.

PUBLIC COMMENT

Notice of the public hearing was posted on the City's Planning Commission and Houghton Community Council websites. It was distributed to the Kirkland Neighborhood E-Bulletin, Kirkland Developer's Partnership Forum, and project list serve, Chamber of Commerce, and various individuals interested in this project. Several letters were received since the study sessions that are included in the memorandum. They addressed backyard chickens, non-conforming density and SRO development.

CRITERIA FOR AMENDMENT ZONING TEXT

KZC 135.25 establishes the criteria by which changes to the Zoning Code text must be evaluated. These criteria and the relationship of the proposal to them are as follows:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan

The proposed amendments are consistent with the Comprehensive Plan. The proposed amendments are needed to clarify and/or improve upon existing regulations and to fix unintended changes that were made with previous amendments to the KZC. Each proposed amendment has been reviewed to ensure consistency with the Comprehensive Plan. They do not fundamentally change the policies of the City.

2. The proposed amendment bears a substantial relation to public health, safety, or welfare

The proposed amendments bear a substantial relation to public health, safety, and welfare. The amendments intend to minimize risk from hazardous liquid pipelines as an example of this criterion. The amendments further clarify existing regulations which are based on the goals and policies of the Comprehensive Plan.

3. The proposed amendment is in the best interest of the residents of Kirkland

The proposed amendments are in the best interest to the residents of Kirkland. The amendments seek to clarify and/or improve upon the existing regulations and review processes which were originally created based on balancing the needs of various stakeholder groups and the policies of the Comprehensive Plan. The result of the changes should create more certainty and predictability in terms of regulations and process for both the residential and development community.

ENVIRONMENTAL REVIEW

A Draft and Final Environmental Impact Statement (EIS) on the City's Comprehensive Plan 10-year Update was published in 2004. The EIS addressed the 2004 Comprehensive Plan, Zoning Code and Zoning Map updates required by the Washington State Growth Management Act (GMA). An EIS Addendum was issued on March 14, 2012 for the Miscellaneous Zoning Code Amendments (see Attachment 75). According to SEPA rules, an EIS addendum provides additional analysis and/or information about a proposal or alternatives where their significant environmental impacts have been disclosed and identified in a previous environmental document. An addendum is appropriate when the impacts of the new proposal are the same general types as those identified in the prior document, and when the new analysis does not substantially change the analysis of significant impacts and alternatives in the prior environmental document. The EIS Addendum fulfills the environmental requirements for the proposed changes.

Attachments:

1. Roster of proposed Zoning Code and Municipal Code amendments.
2. Work Program
3. Code Enforcement amendment
4. Green Code amendment
5. Zone TL 9B use zone chart density amendment
6. Tree Removal Forest Management Plans amendment
7. Parking Modifications amendment
8. Process I amendment
9. Process III deletion amendment
10. WD I Rear Yard general regulation amendment
11. WD II Rear Yard general regulation amendment
12. WD II Rear Yard use zone chart amendment
13. WD III Rear Yard general regulation amendment
14. Second story garages amendment
15. Vehicles, Boats and Trailers – Size in Residential Zones Limited amendment
16. RS Zone Opposite front yard setbacks use zone chart amendment
17. RSX Zone Opposite front yard setbacks use zone chart amendment
18. RSA Zone Opposite front yard setbacks use zone chart amendment
19. Front Façade Definition amendment
20. Floor Area Ratio (FAR) Exemptions amendment
21. PLA 16 Equestrian General Regulation amendment
22. PLA 16 Equestrian Regulations amendment

23. Miscellaneous Regulations Animals in Residential Zones,
24. Fowl deletion amendment
25. Comments on chicken raising from Neil Kauffman
26. Comments on chicken raising from Nancy Kartes
27. Comments on chicken raising from Kathy Weber
28. Map of Parcels in Low Density Zones over 35,000 sq. ft.
29. Small Lot Single Family and Historic Preservation Subdivision Regulations amendments
30. Accessory Dwelling Unit small and historic subdivision amendment
31. Historic Residence Landmark Overlay Zone historic subdivision amendment .
32. New Section Hazardous Liquid Pipeline Amendment
33. Hazardous Liquid Pipeline definitions amendment
34. TL 7 Hazardous Liquid Pipeline amendment
35. Section 162.35 Non-Conforming Density amendment
36. Comments on Non-Conforming Density from Brian E. Lawler
37. Comments on Non-Conforming Density from Karen Levenson
38. Land Use Permit extensions amendment
39. PWSF amendments
40. Electronic Readerboards amendments
41. Recreation Definitions amendments
42. – 66 Recreation use zone chart amendments
67. Drainage Basins Heron Habitat deletion amendment
68. Plate 39 Heron Habitat Protection Area deletion amendment
69. Robert Pantley letter regarding SRO's
70. SRO traffic report
71. CBD and TL SRO amendments
72. SRO draft language
73. SRO articles
74. Comments on SRO from Karen Levenson
75. SEPA Addendum and Notice of Availability

Cc: File ZON12-00002

Roster of Miscellaneous Zoning Code and Municipal Code Amendments
Asterisk notes that these are in the Houghton jurisdiction.

NO POLICY CHANGES

These proposed amendments result in no changes to current policy but intend to clarify and fix inconsistencies within the code.

***Code Enforcement KMC Title 1 Section 1.12.050.(d).(6)**

Purpose: Correct the reference regarding who gets the Hearing Examiner notice of decision after the required public hearing addressing a civil violation.

***Trees and Landscaping KZC Chapter 95 Section 95.23.5.e.1**

Purpose: Correct the reference in subsection 5.e, which refers to the Tree Removal Allowances not associated with development activity, when seeking to cut trees on private property.

Totem Lake 9B KZC Chapter 55 Section 55.64.010

Purpose: Add the density limitation of 5,000 square feet per dwelling unit for this zone, which was inadvertently missed with the adoption of Ordinance 4158 in 2008. This ordinance implemented the Gordon Hart private amendment request through codification of the TL 9A and 9B zones and established a 5,000 sq. ft. minimum lot size for the TL 9B zone. This minimum lot size is equivalent to the density being codified. In all multifamily zones, a special regulation expresses density as minimum lot area per dwelling unit and this amendment does just that.

***Process I Chapter 145 Section 145.22.2.a.**

Purpose: This amendment clarifies that state and federal agencies with jurisdiction must receive a Notice of Application for Process I development proposals.

Process III KZC Chapter 152 Section 152.10

Purpose: Delete reference to Process III, which was eliminated from the Zoning Code in 2002 by Ordinance 3852. It changed all Process III reviews to Process IIB (Hearing Examiner instead of Planning Commission makes a recommendation to City Council, which prior to that was in effect under an interim ordinance). This reference was inadvertently missed in 2002 when it should have been deleted. The Planning Commission continues to review legislative proposals including Zoning Amendments and Comprehensive Plan Amendments using Process IV.

MINOR POLICY CHANGES

The proposed amendments do not clarify existing regulations, but instead change them. However, they are generally not considered significant policy issues.

***Waterfront Districts (WD) I, II and III KZC Chapter 30 Sections 30.10,20 and 30.**

Purpose: This amendment would add a new general regulation to all three Waterfront District zones to address required rear yard setbacks.

***Required Yards related to a 2nd Story above Garage Rear Yard Setback Encroachment - KZC Chapter 115 Section 115.115.3.o**

Purpose: This code amendment would clarify whether or not a second story above a detached garage, which utilizes an alley for primary vehicular access, may encroach into the rear yard setback.

***Vehicles, Boats and Trailers – Size in Residential Zones Limited KZC Chapter 115 Section 115.150**

Purpose: Codify current practice allowing oversized vehicle/boat/trailer to be stored in legally constructed fully enclosed structure.

***Front Yard Setback Flexibility in Low Density Residential Zones KZC Chapters 15, 17 and 18 and Definitions KZC Chapter 5 Section 5.10.326.5**

Purpose: This code amendment would give some setback relief when a parcel has two opposite front yard setbacks.

MODERATE POLICY CHANGES

These are considered more substantive changes to existing regulations.

Floor Area Ratio (FAR) Exemptions KZC Chapter 115 Section 115.42

Purpose: This amendment would clarify whether stairwells and vaulted areas should be exempt from FAR calculations, and if so, to what extent, in order to simplify and cut down on review time.

***PLA 16 Equestrian Regulations KZC Chapter 160 Section 160.182.010 and Miscellaneous Regulations Animals in Residential Zones, Large Domestic Animals, Horses KZC Chapter 115 Section 115.20.4**

Purpose: The amendments are proposed to eliminate redundancy between existing PLA 16 horse regulations, which apply only there, and Miscellaneous Large Domestic Animals regulations regarding horses, which apply citywide. Too, the amendments would clarify which horse keeping requirements apply specifically to the Kirkland Hunt Club, an approved master plan development in PLA 16, which apply to the rest of PLA 16 and RS and RSX 35 zones north and northeast of Bridle Trails State Park in the Bridle Trails neighborhood, and which apply to the rest of Kirkland.

*** Miscellaneous Regulations Animals in Residential Zones, Small Domestic Animals, Chickens KZC Chapter 115 Section 115.20.4, and KMC Title 8 Chapter 8.08- Fowl**

Purpose: The amendments are proposed to expand the residential zones in which chickens are allowed, determine the maximum number of chickens, and standards for their keeping (e.g. setbacks, roosters, etc).

***Application of Small Lot and Historic Residence Subdivision Regulations throughout the City, KMC Title 2 Chapter 22.28.042 and .048- Lots-Small Lot Single Family and Historic Preservation**

Purpose: Apply Small Lot Single Family and Historic Preservation regulations city-wide. The small lot regulations now apply only in the Norkirk, Market, Lakeview and Central Houghton

Neighborhoods. Historic preservation subdivision incentives only apply in the Market and Norkirk neighborhoods.

New Hazardous Fuel Pipeline Zoning Code Amendments addressing the Olympic Pipeline now within Kirkland's jurisdiction KZC Chapter 115 New Section 115.52, and Totem Lake (TL 7) Chapter 55 Section 55.49

Purpose: Draft new KZC regulations addressing land use development near hazardous liquid pipelines.

***Non-Conforming Density- Special Provisions for Continued Uses – Limitations on Maintaining, Repairing and Remodeling Structures with Nonconforming Density- KZC Chapter 162 Section 162.60**

Purpose: Provide more flexibility to remodel structures with nonconforming density without having to bring the density into conformance.

***Extension of Land Use Permit Approvals during the Economic Recession – Various code sections in KZC and KMC**

Purpose: To either codify or discontinue the interim regulations that have been in place since 2009 that allow the City to approve requests for land use permit extensions.

***Time Limits to Complete Construction of Projects Approved by the Design Review Board KZC Chapter 142 Section 115.20.4**

Purpose: Provide authority for the Design Review Board (DRB) to extend the duration of time in which an applicant has to complete construction, prior to DRB approval lapsing.

Personal Wireless Service Facilities –Flexibility to change non-conforming PWSF – KZC Chapter 117

Purpose: Determine whether the code should be amended to allow some non-conforming PWSF to be modified.

***Application of Electronic Readerboard Sign Regulations at all High Schools and Junior High/Middle Schools in all Single Family Residential RS, RSX, RSA Zones - KZC Chapters 15, 17, and 18**

Purpose: Determine if electronic readerboard signs may be located at all high schools and junior/middle schools in Kirkland. The regulations already apply at Juanita and Lake Washington High Schools.

***Entertainment, cultural and recreation uses in various zones. KZC Definitions Chapter 5.10.140, .153, and new definition .279 and various use zone charts**

Purpose: This amendment would provide consistency in terminology used for entertainment, cultural and recreation uses in various zones. It would change the definition for "Commercial Recreation Area And Use" to eliminate the distinction between "for profit" and "not for profit" that has plays no role in the suitability of the use to a particular location; provide a new definition for "Entertainment, Cultural and /or Recreational Facility"; change the definition of "Community Facility to eliminate reference to several uses that are more appropriate in another use listing, and repeal the definition for "Athletic Instructional Facility."

Delete Heron Habitat Protection Area in Finn Hill Annexation Area – KZC Chapter 90 – Section 90.127

Purpose: Delete Section 90.127 and Plate 39 which refer to Heron Habitat Protection Area regulations and map that was carried over from the County regulations upon annexation. The deletion of Section 90.127 and Plate 39 were inadvertently omitted from Ordinance 4303 dated June 7, 2011, to implement clarification of the City's Shoreline Master Program. Both the City and King County agree that there is no evidence of heron habitat, which would have been the basis for the County's regulation.

***New Single Room Occupancy (SRO) Regulations KZC**

Purpose: Add a new permitted use to appropriate zones, allowing SRO developments.

**Work Program Miscellaneous Zoning Code Amendments
(ZON12-00002)
April 2012**

<i>Jan 12</i>	PC study review “no” and “minor” policy amendments and schedule, and provide direction
<i>Jan 23</i>	HCC study review “no” and “minor” policy amendments and schedule, and provide direction
<i>Feb 27</i>	HCC study review “moderate” policy amendments and follow-up on “minor” policy amendments
<i>March 8</i>	PC study review “moderate” policy amendments and follow-up on “minor” policy amendments
<i>April 23</i>	HCC study draft amendments
<i>April 26</i>	PC study draft amendments
<i>May 10</i>	PC study draft amendments
<i>June 14</i>	PC/HCC joint public hearing proposed amendments and recommendation
<i>July 17</i>	CC adoption of ordinance
<i>July 23</i>	HCC final action on ordinance

1.12.050 Hearing before the hearing examiner.

(a) Notice. A person to whom a notice of civil violation is issued will be scheduled to appear before the hearing examiner not less than ten calendar days after the notice of civil violation is issued.

(b) Prior Correction of Violation or Payment of Monetary Penalty. Except in the case of a repeat violation or a violation which creates a situation or condition which cannot be corrected, the hearing will be canceled and no monetary penalty will be assessed if the applicable department director approves the completed required corrective action at least forty-eight hours prior to the scheduled hearing.

(c) Procedure. The hearing examiner shall conduct a hearing on the civil violation pursuant to the rules of procedure of the hearing examiner. The applicable department director and the person to whom the notice of civil violation was directed may participate as parties in the hearing and each party may call witnesses. The city shall have the burden of proof to demonstrate by a preponderance of the evidence that a violation has occurred and that the required corrective action, if applicable, is reasonable. The determination of the applicable department director as to the need for the required corrective action shall be accorded substantial weight by the hearing examiner in determining the reasonableness of the required corrective action.

(d) Decision of the Hearing Examiner.

(1) The hearing examiner shall determine whether the city has established by a preponderance of the evidence that a violation has occurred and that the required correction is reasonable and shall affirm, vacate, or modify the city's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions.

(2) The hearing examiner shall issue an order to the person responsible for the violation which contains the following information:

(A) The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;

(B) The required corrective action;

(C) The date and time by which the correction must be completed;

(D) The monetary penalties assessed based on the criteria in subsection (d)(3) of this section;

(E) The date and time after which the city may proceed with abatement of the unlawful condition if the required correction is not completed.

(3) Assessment of Monetary Penalty. Monetary penalties assessed by the hearing examiner shall be in accordance with the monetary penalty schedule in Section [1.12.040](#). The hearing examiner shall have the following options in assessing monetary penalties:

(A) Assess monetary penalties beginning on the date the notice of civil violation was issued and thereafter; or

(B) Assess monetary penalties beginning on the correction date set by the applicable department director or an alternate correction date set by the hearing examiner and thereafter; or

(C) Assess no monetary penalties.

(4) Determining Monetary Penalty. In determining the monetary penalty assessment, the hearing examiner shall consider the following factors:

(A) Whether the person responded to staff attempts to contact the person and cooperated with efforts to correct the violation;

(B) Whether the person failed to appear at the hearing;

(C) Whether the violation was a repeat violation;

(D) Whether the person showed due diligence and/or substantial progress in correcting the violation;

(E) Whether a genuine code interpretation issue exists; and

(F) Any other relevant factors.

(5) Effect of Repeat Violations. The hearing examiner shall assess a monetary penalty for each repeat violation as set forth in Section [1.12.040](#).

(6) Notice of Decision. The hearing examiner shall mail a copy of the decision to the appellant person responsible for the violation and to the applicable department director within ten working days of the hearing.

(e) Failure to Appear. If the person to whom the notice of civil violation was issued fails to appear at the scheduled hearing, the examiner will enter an order finding that the violation appeared and assessing the appropriate monetary penalty. The city will carry out the hearing examiner's order and recover all related expenses, plus the cost of the hearing and any monetary penalty from that person.

(f) Appeal to Superior Court. An appeal of the decision of the hearing examiner must be filed with superior court within twenty-one calendar days from the date the hearing examiner's decision was mailed to the person to whom the notice of civil violation was directed, or is thereafter barred. (Ord. 4280 § 1 (part), 2011)

Correct minimum lot size to that which was in effect prior to adoption of Ordinance-4350

KZC 18.010 Special Regulations

1. Maximum units per acre is as follows:
 - a. In RSA 1 zone, the maximum units per acre is one dwelling unit.
 - b. In RSA 4 zones, the maximum units per acre is four dwelling units.
 - c. In RSA 6 zones, the maximum units per acre is six dwelling units.
 - d. In RSA 8 zones, the maximum units per acre is eight dwelling units.In RSA 1, 4, 6 and 8 zones, not more than one dwelling unit may be on each lot, regardless of the size of the lot.
2. Minimum lot size per dwelling unit is as follows:
 - a. In RSA 1 zone, newly platted lots shall be clustered and configured in a manner to provide generally equal sized lots outside of the required open space area.
 - b. In RSA 4 zones, the minimum lot size is ~~7,600~~ 3,800 square feet.
 - c. In RSA 6 zones, the minimum lot size is ~~5,100~~ 2,550 square feet.
 - d. In RSA 8 zones, the minimum lot size is 3,800 square feet.
3. Road dedication and vehicular access easements or tracts may be included in the density calculation, but not in the minimum lot size per dwelling unit.
4. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:
 - a. In RSA 1 zone, F.A.R. is 20 percent of lot size.
 - b. In RSA 4 zones, F.A.R. is 50 percent of lot size.
 - c. In RSA 6 zones, F.A.R. is 50 percent of lot size.
 - d. In RSA 8 zones, F.A.R. is 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical to 12 feet horizontal.F.A.R. is not applicable for properties located within the jurisdiction of the Shoreline Management Act regulated under Chapter 83 KZC. See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.
5. On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement.
6. Garages shall comply with the requirements of KZC 115.43, including required front yard.
7. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
(No Further changes)

Section 55.64

Zone
TL 9B

USE ZONE CHART

1. Minimum lot area per dwelling unit in TL 9B zone is 5,000 sq. ft.

Section 55.64	USE ↓ REGULATIONS →	DIRECTIONS: FIRST, read down to find use...THEN, across for RE										
		Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Front	Side	Rear	Lot Coverage	Height of Structure				
.010	Detached Dwelling Units	Process IIA, Chapter 150 KZC	5,000 sq. ft.	20'	5'	10'	60%	30' above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of the size of the lot. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached or Stacked Dwelling Units				5' for detached units. For attached or stacked units, 5', but 2 side yards must equal at least 15'. See Spec. Reg. 3.	10' See Spec. Reg. 4.		Detached dwelling units: 30' Attached and/or stacked dwelling units: 50' above average building elevation. See Spec. Reg. 5.	D		1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 2. Chapter 115 KZC contains regulations regarding common recreational space requirements for this use. 3. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. 4. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot. 5. For attached and/or stacked dwelling units, at least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.
.030	Church		7,200 sq. ft.		20'	20'	70%	30' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of worship. See Spec. Reg. 2.	1. The property must be served by a collector or arterial street. 2. No parking is required for day-care or school ancillary to the use.

95.23 Tree Removal – Not Associated with Development Activity

1. Introduction. *(No Change)*
2. Permit Required for Removal of Trees on Private Property or City Right-of-Way. *(No Change)*
3. Tree Removal Permit Application Form. *(No Change)*
4. Tree Removal Permit Application Procedure and Appeals. *(No Change)*
5. Tree Removal Allowances.
 - a.-d. *(No Change)*
 - e. Forest Management Plan.
 - 1) A Forest Management Plan must be submitted for developed, significantly wooded sites (over 40 percent canopy coverage) of at least 35,000 square feet in size in which ~~tree removal~~ removal of more than two trees is requested and is not exempt under KZC [95.20](#). A Forest Management Plan must be developed by a qualified professional and shall include the following:
 - a) A site plan depicting the location of all significant trees (a survey identifying tree locations is not required) with a numbering system of the trees (with corresponding tags on trees in the field). The site plan shall include size (DBH), species, and condition of each tree;
 - b) Identification of trees to be removed, including reasons for their removal and a description of low impact removal techniques pursuant to subsection (5)(e)(2) of this section;
 - c) A reforestation plan that includes location, size, species, and timing of installation;
 - 2) The following Forest Management Plan standards shall apply:
 - a) Trees to remain should be dominant or co-dominant in the stand, healthy and windfirm.
 - b) No removal of trees from critical areas and their buffers, unless otherwise permitted by this chapter.
 - c) No removal of specimen trees, unless otherwise permitted by this chapter.
 - d) No removal of healthy trees that would cause trees on adjacent properties to become hazardous.
 - e) The reforestation plan ensures perpetuity of the wooded areas. The size of planted trees for reforestation shall be a minimum of three (3) feet tall.
 - f) Logging operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, native shrubs, ground cover and stumps shall be retained where feasible. Where not feasible, appropriate erosion control measures to be approved by the City shall be implemented.

- g) Removal of tree debris shall be done pursuant to Kirkland Fire Department standards.
- h) Recommended maintenance prescription for retained trees with a specific timeline for such management.

105.103 Modifications

1. General – (No Change)
2. Authority to Grant and Duration
 - a. - c. (No Change)
3. Modifications – A modification to improvement requirements of this chapter may be required or granted if the applicant demonstrates on submitted plans and/or in writing that the following criteria have been met for modifications to the applicable sections:
 - a. – b. (No Change)
 - c. For a modification to KZC [105.20](#) and [105.45](#), a decrease in the required number of spaces may be granted if the number of spaces proposed is documented by an adequate and thorough parking demand and utilization study to be sufficient to fully serve the use. The study shall be prepared by a licensed transportation engineer or other qualified professional, and shall analyze the operational characteristics of the proposed use which justify a parking reduction. The scope of the study shall be proposed by the transportation engineer and approved by the City traffic engineer. The study shall provide at least two (2) days of data for morning, afternoon and evening hours, or as otherwise approved or required by the City traffic engineer. Approval of a parking reduction shall be solely at the discretion of the City. A decrease in the minimum required number of spaces may be based in whole or part on the provision of nationally accepted TDM (transportation demand management) measures. Data supporting the effectiveness of the TDM measures shall be provided as part of the parking demand and utilization study and approved by the City traffic engineer.

The Planning Official shall not approve or deny a modification to decrease the number of parking spaces ~~pursuant to subsection (2)(b) of this section~~ without first providing notice of the modification request to the owners and residents of property within 300 feet of the subject property and providing opportunity for comment. The Planning Official shall use mailing labels provided by the applicant, or, at the discretion of the Planning Official, by the City. Said comment period shall not be less than seven (7) calendar days.

145.22 Notice of Application and Comment Period

1. Contents – (*No Change*)
2. Distribution
 - a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:
 - 1) The notice, or a summary thereof, will be published in the official newspaper of the City. The published notice does not require a vicinity map.
 - 2) The notice, or a summary thereof, including a vicinity map, will be posted on each of the official notification boards of the City.
 - 3) The notice, or a summary thereof, including a vicinity map, will be distributed to the residents of each piece of property adjacent to or directly across the street from the subject property.
 - 4) The notice will be distributed to each local, state and federal agency that the City knows has jurisdiction over the proposed development activity.
 - ~~4)5)~~ The notice will be posted on the City's website.
 - b. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the applicant shall provide for and erect public notice signs as follows:
 - 1) The signs shall be designed and constructed to City standards. A copy of the notice described in subsection (1) of this section and a site plan and/or vicinity map shall be attached to each sign.
 - 2) The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this section.
 - 3) One (1) sign shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Department of Planning and Community Development shall approve the location of each sign.
 - 4) The signs may not be removed until 21 calendar days after the final decision of the City on the application, and the applicant shall remove the signs within seven (7) calendar days thereafter.

Chapter 152 – PROCESS IIB

Sections:

152.05	User Guide
152.10	Proposals Requiring Approval through Process III
152.12	Pre-Submittal Meeting
152.15	Applications
152.17	Determination of Completeness of Application
152.18	Voiding of Application Due to Inactivity
152.20	Compliance with SEPA
152.22	Notice of Application
152.25	Official File
152.30	Notice of Hearing
152.35	Staff Report
152.45	Open Record Hearing
152.50	Electronic Sound Recording
152.55	Burden of Proof
152.60	Public Comments and Participation at the Hearing
152.65	Continuation of the Hearing
152.70	Recommendation by the Hearing Examiner
152.75	Distribution of Hearing Examiner's Recommendation
152.85	Challenge to the Hearing Examiner's Recommendation
152.90	City Council Action
152.100	Action and Jurisdiction of the Houghton Community Council
152.105	Notice of Decision
152.110	Judicial Review
152.115	Lapse of Approval
152.120	Bonds
152.125	Complete Compliance Required
152.130	Time Limits

152.05 User Guide

Various places in this code indicate that certain developments, activities or uses are permitted only if approved using Process IIB. This chapter describes Process IIB.

If you are interested in obtaining approval for something through Process IIB or if you wish to participate in a decision that will be made using this process, you should read this chapter. However, this chapter only applies if another provision of the code specifically states that a decision will be made using Process IIB. Please review KMC Title 20 for additional information regarding the City's processing of project permits.

In addition, please refer to KZC [152.10](#) to see if that section applies.

~~152.10 Proposals Requiring Approval through Process III~~

~~If the development, use or activity that requires approval through Process IIB is part of a proposal that requires additional approval through Process III, the entire proposal will be decided upon using Process III.~~

CHAPTER 30 – WATERFRONT DISTRICT (WD) ZONES

30.05 User Guide.

The charts in KZC [30.15](#) contain the basic zoning regulations that apply in the WD I zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 30.10

Zone
WDI

Section 30.10 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter [1](#) KZC to determine what other provisions of this code may apply to the subject property.
2. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter [5](#) KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter [112](#) KZC for additional affordable housing incentives and requirements.
3. The required rear yard for each use shall be the same as the required rear yard for the same use in the RM zone, unless otherwise specified in section 30.15.020.5. (does not apply to Public Access Pier, Boardwalk or Public Access Facility; Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit; Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units; Boat Launch; or Water Taxi)
3. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:
 - a. Within 30 feet of the front property line, each portion of a structure is set back from the front property line by a distance greater than or equal to the height of that portion above the front property line; and
 - b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and
 - c. The design of the public use area is specifically approved by the City.
 (Does not apply to Public Access Pier, Boardwalk or Public Access Facility; Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit; Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units; Public Park; Public Utility Uses; Boat Launch; or Water Taxi.)
4. The required 30-foot front yard may be reduced, subject to all of the following conditions:
 - a. The existing primary structure does not conform to the minimum shoreline setback standard;
 - b. The proposed complete replacement or replacement of portion of the existing primary structure comply with the minimum required shoreline setback established under the provisions of Chapter [83](#) KZC, or as otherwise approved under the shoreline setback reduction provisions established in KZC [83.380](#);
 - c. The front yard for the complete replacement or the portion of replacement may be reduced one foot for each one foot of the shoreline setback that is increased in dimension from the setback of the existing nonconforming primary structure; provided, that subsection (4)(d) of this section is met; and
 - d. Within the front yard, each portion of the replaced or portion of replaced primary structure is set back from the front property line by a distance greater than or equal to the maximum height of that portion above the front property line.
 (Does not apply to Public Access Pier, Boardwalk or Public Access Facility; Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit; Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units; Public Park; Public Utility Uses; Boat Launch; or Water Taxi).
5. A view corridor must be maintained across 30 percent of the average parcel width. Refer to Chapter [83](#) KZC for additional details.
6. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.

7. May also be regulated under the Shoreline Master Program; refer to Chapter [83](#) KZC.

30.19 User Guide.

The charts in KZC [30.25](#) contain the basic zoning regulations that apply in the WD II zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 30.20

Zone
WDII

Section 30.20 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter [1](#) KZC to determine what other provisions of this code may apply to the subject property.
2. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.
3. The required yard abutting an unopened right-of-way shall be a side property rather than a front property line.
4. [The required rear yard for each use shall be the same as the required rear yard for the same use in the RM zone, unless otherwise specified in sections 30.25.010.9 and 30.25.010.10. \(does not apply to Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit;](#)
45. May also be regulated under the Shoreline Master Program; refer to Chapter [83](#) KZC.
56. Residential uses abutting Lake Washington may have an associated private shoreline park that is commonly owned and used by residents and guests.

[link to Section 30.25 table](#)

Section 30.25	USE ↓ REGULATIONS ↓	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	Lot Size	MINIMUMS REQUIRED YARDS (See Ch. 115)			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Front	Shoreline Setback	Side Property Line	Lot Coverage	Height of Structure				
.010	Detached Dwelling Unit	None	12,500 sq. ft.	For those properties that conform to the standard shoreline setback requirements established in Chapter 83 KZC, either: a. 10' or b. The average of the existing front yards on the properties abutting the subject property to the north and south. Otherwise, 20'. See Spec. Regs. 3, 6, 7 and 11.	See Chapter 83 KZC.	5', but 2 side yards must equal at least 15' or 5' on each side. See Spec. Reg. 5.	50%	For properties with a minimum of 45' of frontage along Lake Washington, 30' above average building elevation. See Spec. Reg. 12. Otherwise, 25' above average building elevation.	E	A	2.0 per unit.	<ol style="list-style-type: none"> 1. No structure, other than a moorage structure, may be waterward of the ordinary high water mark. For the regulations regarding moorage, see Chapter 83 KZC. 2. For this use, only one dwelling unit may be on each lot regardless of lot size. 3. For properties located south of the Lake Avenue West Street End Park, the required front yard may be decreased to the average of the existing front yards on the properties abutting the subject property to the north and south. 4. The dimensions of any required yard, other than as specifically listed, will be determined on a case-by-case basis, unless otherwise specified in this section. The City will use the setback for this use in RS zones as a guide for this use. 4. The gross floor area of any floor above the first story at street or vehicular access easement level shall be reduced by a minimum of 15 percent of the floor area of the first story, subject to the following conditions: <ol style="list-style-type: none"> a. The structure must conform to the standard shoreline setback requirements established in Chapter 83 KZC, or as otherwise approved under the shoreline setback reduction provisions established in KZC 83.380. b. The required floor area reductions shall be incorporated into one or both facades facing the side property lines in order to provide separation between neighboring residences. (See Plate 36.) c. This provision shall not apply to residences that do not contain a ceiling height greater than 16 feet above the street or vehicular access easement level, as measured at the midpoint of the frontage of the subject property on the abutting right-of-way. d. The calculation of gross floor area shall apply the provisions established in KZC 115.42(1). 5. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24).
REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE												

Section 30.25


 Zone
WDII

USE ZONE CHART



Section 30.25	USE ↓ REGULATIONS ↓	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS									
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)		Lot Coverage	Height of Structure				
				Front	Shoreline Setback						
.010	Detached Dwelling Unit (Continued)										REGULATIONS CONTINUED FROM PREVIOUS PAGE
											6. The front required yard provisions shall not apply to public street ends located west of Waverly Way, but the required yard shall be regulated as a side yard.
											7. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
											8. Garages shall comply with the requirements of KZC 115.43, including required front yard. These requirements are not effective within the disapproval jurisdiction of the Houghton Community Council.
											9. The required yard along the east side of the vehicular access easements known as 5th Avenue West or Lake Avenue West is zero feet.
											10. The required yard along the west side of the vehicular access easements known as 5th Avenue West or Lake Avenue West is either five feet or the average of the existing rear yards on the properties abutting the subject property to the north and south. The garage shall be located to comply with the provisions for parking pads contained in KZC 105.47.
											11. For the increase in height from 25' to 30' above average building elevation, the structure must conform to the standard shoreline setback requirements established in Chapter 83 KZC, or as otherwise approved under the shoreline setback provisions established in KZC 83.380.
											12. At the northern terminus of the 5th Avenue West vehicular access easement, the average parcel depth shall be measured from the ordinary high water mark to the public pedestrian access easement providing access to Waverly Beach Park.

Section 30.25	USE ↓ REGULATIONS ↓	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Shoreline Setback	Side Property Line						
.020	Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	See Chapter 83 KZC.	None	See Chapter 83 KZC.			–	See Chapter 83 KZC.	See Chapter 83 KZC.	See Chapter 83 KZC.	None	1. Refer to Chapter 83 KZC for additional regulations.
.030	Public Utility	Process IIA, Chapter 150 KZC.		20'	See Chapter 83 KZC.	5', but 2 side yards must equal at least 15'.	70%	25' above average building elevation.	A	B	See KZC 105.25.	1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. If any portion of a structure is adjoining a detached dwelling unit in a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or b. The maximum horizontal facade shall not exceed 50 feet. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for more details. 3. The dimension of any required yard, other than as specifically listed, will be determined on a case-by-case basis. The City will use the setback for this use in RS zones as a guide. 4. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses.
.040	Government Facility Community Facility								C See Spec. Reg. 4.			

Section 30.25


 Zone
WDII

USE ZONE CHART

Section 30.25	USE  REGULATIONS 	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Shoreline Setback	Side Property Line						
.050	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										
		<div>1. If any portion of a structure is adjoining a low density zone, then either:<div>a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or</div><div>b. The maximum horizontal facade shall not exceed 50 feet in width.</div>See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for more details.</div> <div>2. This use may include a public access pier or boardwalk. See Chapter 83 KZC for regulations regarding these uses.</div>										

30.29 User Guide.

The charts in KZC [30.35](#) contain the basic zoning regulations that apply in the WD III zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 30.30

Zone
WDIII

Section 30.30 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter [1](#) KZC to determine what other provisions of this code may apply to the subject property.
2. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter [5](#) KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter [112](#) KZC for additional affordable housing incentives and requirements.
3. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.
4. [The required rear yard for each use shall be the same as the required rear yard for the same use in the RM zone, unless otherwise specified in section 30.35.020.5. \(Does not apply to Public Access Pier, Boardwalk, or Public Access Facility; Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit; Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units; Boat Launch; or Water Taxi\).](#)
- 4-5 The required 30-foot front yard may be reduced, subject to all of the following conditions:
 - a. The existing primary structure does not conform to the minimum shoreline setback standard;
 - b. The proposed complete replacement or replacement of portion of the existing primary structure comply with the minimum required shoreline setback established under the provisions of Chapter [83](#) KZC, or as otherwise approved under the shoreline setback reduction provisions established in KZC [83.380](#);
 - c. The front yard for the complete replacement or the portion of replacement may be reduced one foot for each one foot of the shoreline setback that is increased in dimension from the setback of the existing nonconforming primary structure; provided, that subsection (4)(d) of this regulation is met; and
 - d. Within the front yard, each portion of the replaced or portion of replaced primary structure is set back from the front property line by a distance greater than or equal to the maximum height of that portion above the front property line.

(Does not apply to Public Access Pier, Boardwalk, or Public Access Facility; Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit; Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units; Public Park; Public Utility Uses; Boat Launch; or Water Taxi).
- 5-6 The required 30-foot front yard may be reduced, subject to the following conditions:
 - a. The existing primary structure does not conform to the minimum shoreline setback standard;
 - b. The front yard may be reduced one foot for each one foot of the shoreline setback that is increased in dimension;
 - c. The new or remodeled primary structure must comply with the minimum required shoreline setback established under the provisions of Chapter [83](#) KZC, or as otherwise approved under the shoreline setback reduction provisions established in KZC [83.380](#); and
 - d. Within 30 feet of the front property line, each portion of a structure is set back from the front property line by a distance greater than or equal to the height of that portion above the front property line.
67. May also be regulated under the Shoreline Master Program, Chapter [83](#) KZC.

[link to Section 30.35 table](#)

115.115 Required Yards

1. General – (No Change).
2. Exceptions and Limitations in Some Zones – (No Change).
3. Structures and Improvements – (a-n No Change).
 - o. In low density residential zones:
 - 1) Detached garages utilizing an alley for their primary vehicular access may be located within five (5) feet of the rear property line, if:
 - a) Garage doors will not extend over the property line when open; and
 - b) The garage complies with KZC [115.135](#), which regulates sight distance at intersections.
 - 2) Detached garages utilizing an alley for their primary vehicular access may extend to the rear property line, if:
 - a) The lot is 50 feet wide at the rear property line on the alley;
 - b) The garage has side access with garage doors that are perpendicular to the alley;
 - c) The garage eaves do not extend over the property line; and
 - d) The garage complies with KZC [115.135](#), which regulates sight distance at intersections.
 - 3) Any stories above garages utilizing an alley for their primary vehicular access may extend to within five (5) feet of the rear property line.
 - 4) Garages without alley access may be located within five (5) feet of the rear property line; provided, that:
 - a) The portion of the structure that is located within the required rear yard is no taller than 15 feet above average building elevation; and
 - b) The rear yard does not abut an access easement that is regulated as a rear property line.

115.150 Vehicles, Boats and Trailers – Size in Residential Zones Limited*

1. General – Except as specified below, it is a violation of this code to park or store any vehicle, boat or trailer on any lot in a residential zone if that vehicle, boat or trailer, or any combination thereof, is both more than nine (9) feet in height and 22 feet in length, including bumpers and any other elements that are required by federal or state law for the operation of the vehicle, boat or trailer on public roads or waterways.

Except within the disapproval jurisdiction of the Houghton Community Council, any boat that is 16 feet or longer and has a gunwale which is at least five (5) feet from the ground when the boat is sitting on a boat trailer shall not be parked or stored in a required front yard.

2. Exceptions

- a. A vehicle, boat or trailer of any size may be parked on any lot in the City for not more than 24 hours in any consecutive 7-day period for the exclusive purpose of loading or unloading the vehicle, boat or trailer. Within the disapproval jurisdiction of the Houghton Community Council, the time limitation shall be not more than 48 hours in any consecutive 7-day period.

B A vehicle, boat or trailer of any size may be parked and stored on any lot in the City if it is parked in a legally constructed fully enclosed garage meeting all regulations for that zone.

- bc. An oversized vehicle, boat or trailer may be parked on a lot in an RSA or RMA zone containing an existing residence if all of the following are met:

- 1) Within six (6) months of the effective date of annexation, the owner registers the oversized vehicle, boat or trailer parked on his/her property with the City's Planning Department. The owner shall provide the City with a copy of the State vehicle registration license showing that the person obtaining the registration is the owner of the vehicle, boat or trailer and that the address on the vehicle license is the same as the address where the vehicle, boat or trailer is parked;
- 2) The owner of the vehicle, boat or trailer resides on the lot that contains the vehicle;
- 3) Within one (1) year of the effective date of annexation, a registered vehicle, boat or trailer under subsection (2)(b)(1) of this section may be replaced with another vehicle, boat or trailer of the same type and no greater dimensions, provided that the requirements of subsection (2)(b)(1) of this section are met for the replacement vehicle and the replaced vehicle, boat or trailer has been removed from the property;
- 4) The exception runs with the registered vehicle, boat or trailer parked on a specific lot at the time of annexation and to the owner of the vehicle, boat or trailer who resides on the specific property at the time of annexation.

- ed. The City may, using Process I, described in Chapter [145](#) KZC, approve a request to park or store a vehicle, boat or trailer of any size on a lot in a residential zone if:

- 1) The parking or storage of the vehicle, boat or trailer will not be detrimental to the character of the neighborhood; and

- 2) The property abutting the subject property will not be impacted by the parking or storage; and
- 3) The placement of the vehicle, boat or trailer will not create a potential fire hazard; and
- 4) The parking or storage is clearly accessory to a residential use on the subject property and the vehicle, boat or trailer is operated by a resident of the subject property.

The City may impose screening requirements, limit the hours of operation of the vehicle, boat or trailer, and impose other restrictions to eliminate adverse impacts of the parking or storage.

* ~~The applicable review process is Process IIA, Chapter 150 KZC, until June 1, 2011 (Ordinance 4196).~~

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
USE	REGULATIONS (.)	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Detached Dwelling Unit	None	As established on the Zoning Map. See Spec. Reg. 1.	20' See Spec. Regs. 3 and 6.	5', but 2 side yards must equal at least 15 feet.	10'	50% See Spec. Reg. 5.	25' above average building elevation.	E	A	2.0 per dwelling unit.	<div>1. Minimum lot size per dwelling unit is as follows: a. In RS 35 zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 6.3 zones, the minimum lot size is 6,300 square feet. f. In RS 5.0 zones, the minimum lot size is 5,000 square feet. In RS 35, 12.5, 8.5, 7.2, 6.3 and 5.0 zones, not more than one (1) dwelling unit may be on each lot, regardless of the size of each lot. 2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows: a. In RS 35 zones, F.A.R. is 20 percent of lot size. b. In RS 12.5 zones, F.A.R. is 35 percent of lot size. c. In RS 8.5 zones, F.A.R. is 50 percent of lot size. d. In RS 7.2 zones, F.A.R. is 50 percent of lot size. e. In RS 6.3 zones, F.A.R. is 50 percent of lot size. f. In RS 5.0 zones, F.A.R. is 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the following criteria are met: i. The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical: 12 feet horizontal; and ii. A setback of at least 7.5 feet is provided along each side yard. This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council. See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information. A reduced F.A.R. may be required pursuant to subdivision design requirements in Chapter 22.28 KMC. 3. On corner lots with two required front yards, one (1) may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24). 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</div>

4. On lots with two front yards that are essentially parallel to one another, only one front yard must be a minimum of 20 feet. The other will be regulated as a rear yard (minimum 10 foot yard). The front yard shall be the yard adjacent to the front facade of the dwelling unit.

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REGULATIONS CONTINUED ON NEXT PAGE

4. On lots with two front yards that are essentially parallel to one another, only one front yard must be a minimum of 20 feet. The other will be regulated as a rear yard (minimum 10 foot yard). The front yard shall be the yard adjacent to the front facade of the dwelling unit.

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REGULATIONS CONTINUED ON NEXT PAGE

Section 15.10



USE ZONE CHART

USE	REGULATIONS ()	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Detached Dwelling Unit (continued)										REGULATIONS CONTINUED FROM PREVIOUS PAGE	
										6	5. Residential lots in RS 35 zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 for large domestic animals in KZC 115.20(4) (chart).	
										7	6. Garages shall comply with the requirements of KZC 115.43, including required front yard. These requirements are not effective within the disapproval jurisdiction of the Houghton Community Council.	

Section 17.10	USE () REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Detached Dwelling Unit	None	As established on the Zoning Map. See Spec. Reg. 1.	20' See Spec. Reg. 6.	5' each side. See Spec. Reg. 3.	10'	50% See Spec. Reg. 5.	30' above average building elevation.	E	A	2.0 per dwelling unit.	<div>1. Minimum lot size per dwelling unit is as follows: a. In RSX 35 zones, the minimum lot size is 35,000 square feet. b. In RSX 8.5 zones, the minimum lot size is 8,500 square feet. c. In RSX 7.2 zones, the minimum lot size is 7,200 square feet. d. In RSX 5.0 zones, the minimum lot size is 5,000 square feet. In RSX 35, 8.5, 7.2 and 5.0 zones, not more than one dwelling unit may be on each lot, regardless of the size of the lot. 2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows: a. In RSX 35 zones, F.A.R. is 20 percent of lot size. b. In RSX 12.5 zones, F.A.R. is 35 percent of lot size. c. In RSX 8.5 zones, F.A.R. is 50 percent of lot size. d. In RSX 7.2 zones, F.A.R. is 50 percent of lot size. e. In RSX 5.0 zones, F.A.R. is 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the following criteria are met: i. The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical: 12 feet horizontal; and ii. A setback of at least 7.5 feet is provided along each side yard. See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information. 3. On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement. 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 5. Residential lots in RSX zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 for large domestic animals in KZC 115.20(4) (chart). 6. Garages shall comply with the requirements of KZC 115.43, including required front yard. These requirements are not effective within the disapproval jurisdiction of the Houghton Community Council.</div>
<div>4. On lots with two front yards that are essentially parallel to one another, only one front yard must be a minimum of 20 feet. The other will be regulated as a rear yard (minimum 10 feet). The front yard shall be the yard adjacent to the front facade of the dwelling unit.</div>												
<div>5</div> <div>6</div> <div>7</div>												

4. On lots with two front yards that are essentially parallel to one another, only one front yard must be a minimum of 20 feet. The other will be regulated as a rear yard (minimum 10 feet). The front yard shall be the yard adjacent to the front facade of the dwelling unit.

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Section 18.10	USE () REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
		Required Review Process	MINIMUMS					MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	Side	Rear							
.010	Detached Dwelling Unit	None	As established on the Zoning Map. See Spec. Regs. 1, 2 and 3.	20' See Spec. Regs. 5 and 6.	5' each side.	10'	50% except 30% for the RSA 1 zone. See Gen. Reg. 3.	30' above average building elevation. See Spec. Reg. 8.	E	A	2.0 per dwelling unit.	<div>1. Maximum units per acre is as follows: a. In RSA 1 zone, the maximum units per acre is one dwelling unit. b. In RSA 4 zones, the maximum units per acre is four dwelling units. c. In RSA 6 zones, the maximum units per acre is six dwelling units. d. In RSA 8 zones, the maximum units per acre is eight dwelling units. In RSA 1, 4, 6 and 8 zones, not more than one dwelling unit may be on each lot, regardless of the size of the lot. 2. Minimum lot size per dwelling unit is as follows: a. In RSA 1 zone, newly platted lots shall be clustered and configured in a manner to provide generally equal sized lots outside of the required open space area. b. In RSA 4 zones, the minimum lot size is 7,600 square feet. c. In RSA 6 zones, the minimum lot size is 5,100 square feet. d. In RSA 8 zones, the minimum lot size is 3,800 square feet. 3. Road dedication and vehicular access easements or tracts may be included in the density calculation, but not in the minimum lot size per dwelling unit. 4. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows: a. In RSA 1 zone, F.A.R. is 20 percent of lot size. b. In RSA 4 zones, F.A.R. is 50 percent of lot size. c. In RSA 6 zones, F.A.R. is 50 percent of lot size. d. In RSA 8 zones, F.A.R. is 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical to 12 feet horizontal. See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information. 5. On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement. 6. Garages shall comply with the requirements of KZC 115.43, including required front yard. 7. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 8. Maximum height of structure for properties located within the Juanita Beach Camps Plat (Volume 32, Page 35 of King County Records) or the Carr's Park Plat (Unrecorded) shall be 35 feet above average building elevation.</div>	

6. On lots with two front yards that are essentially parallel to one another, only one front yard must be a minimum of 20 feet. The other will be regulated as a rear yard (minimum 10 foot yard). The front yard shall be the yard adjacent to front facade of the dwelling unit.

5.10 Definitions

.326.5 Front Facade

- The face of a building essentially parallel to the street, access easement or tract serving the subject property. The front facade may have multiple planes, including a covered entry porch. On a corner lot, **or other lot with two or more front yards**, the front facade shall be the facade that includes the main entry.

115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones and Attached Dwelling Units in PLA 3C

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones and attached dwelling units in PLA 3C ~~shall include the entire area within the exterior walls for each level of the structure. It shall also include the area of the carports, measured as the area of the carport roof. It does not include the following:~~
 - a. Attic area with less than five (5) feet of ceiling height, as measured between the finished floor and the supporting members for the roof.
 - b. Floor area with a ceiling height less than six (6) feet above finished grade. The ceiling height will be measured to the top of the structural members for the floor above. The finished grade will be measured along the outside perimeter of the building (see Plate 23).
 - c. On lots less than 8,500 square feet, the first 500 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see KZC 115.30 for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R. For purposes of this section, "behind" means located behind an imaginary plane drawn at the back of the main structure at the farthest point from, and parallel to, the street or access easement serving the residence.
 - d. On lots greater than or equal to 8,500 square feet, the first 800 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see KZC 115.30 for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R.
 - e. Uncovered and covered decks, porches, and walkways.

~~2. Floor area with a ceiling height greater than 16 feet shall be calculated as follows:~~

- ~~a. The first 100 square feet of such floor area, in aggregate, shall be calculated only once toward allowable F.A.R.;~~
- ~~b. Floor area in excess of the first 100 square feet shall be calculated at twice the actual floor area toward allowable F.A.R.~~

~~3.2.~~ *This section is not effective within the disapproval jurisdiction of the Houghton Community Council, except for those lots in PLA 3C that are less than 7,200 square feet or lots that have less than the minimum lot size created through the small lot provisions of KMC 22.28.042, subdivisions.*

60.179 User Guide.

The charts in KZC [60.182](#) contain the basic zoning regulations that apply in Planned Area 16, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.180



Zone
PLA16

Section 60.180 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter [1](#) KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a detached dwelling unit in a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The maximum horizontal facade shall not exceed 50 feet.

See KZC [115.30](#), Distance Between Structures/Adjacency to Institutional Use, for further details.

(Does not apply to Detached Dwelling Unit, Commercial Equestrian Facility, Commercial Recreation Area and Use and Mini-Day-Care Center or Day-Care Home uses).

3. ~~Must provide an improved public equestrian access trail and appropriate public signage. The trail must be located and designed so as to allow for an eventual connection between N.E. 60th Street and the Bridle Trails State and King County Parks (does not apply to Detached Dwelling Unit, Commercial Equestrian Facility, Commercial Recreation Area and Use and Public Parks uses).~~



[lin](#)

Section 60.182	USE ↓ REGULATIONS ↓	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	Lot Size	MINIMUMS REQUIRED YARDS (See Ch. 115)			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Front	Side	Rear	Lot Coverage	Height of Structure				
.010	Detached Dwelling Unit	If lot size is less than 35,000 sq. ft., then Process IIB, Chapter 152 KZC. Otherwise, None.	35,000 sq. ft. except as established under Special Regulation 7.	20' See Spec. Regs. 3 and 9.	5', but 2 side yards must equal at least 15'.	10'	50%	30' above average building elevation.	E	A	2.0 per dwelling unit.	<p>KZC 115.20.6.e for keeping of horses.</p> <ol style="list-style-type: none"> For this use, not more than one dwelling unit may be on each lot, regardless of the size of the lot. Floor Area Ratio (F.A.R.) allowed for the subject property is 20 percent of lot size. See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24). Each lot may contain no more than two horses. Residential lots must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 for large domestic animals in KZC 115.20(4) (chart). On each lot, no outdoor manure pile may be placed closer than 65 feet to any adjacent residential structure. This use may have a lot size of less than 35,000 square feet if all of the following standards are met: <ol style="list-style-type: none"> The property must contain at least 16 contiguous acres. A Master Plan shall be approved for the entire property. The minimum lot size allowed on the property shall be determined and approved as part of the Master Plan. In no case shall the minimum lot size be less than 26,000 square feet. A commercial equestrian facility, including an arena, stables and paddock areas, must be provided on the property. The facility must be available to the public and not exclusively for the residences within the Master Plan. The facility must meet requirements and special regulations as established for the use listing in this zone entitled "Commercial Equestrian Facility." An improved public equestrian access trail and appropriate public signing must be provided. The trail must be located and designed so as to allow for an eventual connection between N.E. 60th Street and the Bridle Trails State and King County Parks. A coordinated vehicular and pedestrian circulation system for the property as well as other properties in the vicinity shall be provided as part of the Master Site Plan. <p>REGULATIONS CONTINUED ON NEXT PAGE</p>

Section 60.182

Zone
PLA16

USE ZONE CHART

Section 60.182	USE  REGULATIONS 	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Detached Dwelling Unit (continued)									REGULATIONS CONTINUED FROM PREVIOUS PAGE		
										<div>6</div> 8. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.		
										<div>7</div> 9. Garages shall comply with the requirements of KZC 115.43, including required front yard. These requirements are not effective within the dis-approval jurisdiction of the Houghton Community Council.		

115.20 Animals in Residential Zones

Proposed reformatting with minor edits and deletion of chart. NEW chicken regulations.

1. General –This section establishes special regulations that govern the keeping of animals in any zone where a dwelling unit is permitted.

~~2. Types of Animals –Animals will be regulated according to the following categories:~~

~~a. Household Pets –The following animals will be regulated as household pets:~~

- ~~1) Three (3) dogs or less per dwelling unit.~~
- ~~2) Three (3) cats or less per dwelling unit.~~
- ~~3) A total of four (4) dogs and cats per dwelling unit.~~
- ~~4) Four (4) rabbits or less per dwelling unit.~~
- ~~5) Gerbils.~~
- ~~6) Guinea pigs.~~
- ~~7) Hamsters.~~
- ~~8) Mice.~~
- ~~9) Cage birds.~~
- ~~10) Nonvenomous reptiles and amphibians.~~
- ~~11) Other animals normally associated with a dwelling unit, and which are generally housed within the dwelling unit.~~

~~b. Small Domestic Animals –The following animals will be regulated as small domestic animals:~~

- ~~1) More than three (3) dogs per dwelling unit.~~
- ~~2) More than three (3) cats per dwelling unit.~~
- ~~3) More than a total of four (4) dogs and cats per dwelling unit.~~
- ~~4) More than four (4) rabbits per dwelling unit.~~
- ~~5) Fowl.~~

~~c. Large Domestic Animals –The following animals will be regulated as large domestic animals:~~

- ~~1) Horses.~~
- ~~2) Cattle.~~
- ~~3) Sheep.~~
- ~~4) Pigs.~~
- ~~5) Goats.~~
- ~~6) Other grazing or foraging animals.~~

~~d. Bees~~

2. In addition to the maximum number of adult animals permitted, offspring from one (1) female are permitted at any given time until those offspring are able to survive independently.

3. Animal Waste – Measures must be taken to properly dispose of animal waste.

4. Other Regulations – Nothing in this section eliminates the need to comply with King County animal control regulations, state law regulating the keeping of animals, and any other ordinance of the City of Kirkland regulating the keeping of animals.

5. Bonds – The City may require a bond under Chapter 175 KZC to ensure that the subject property is maintained in a clean condition.

6. Minimum Requirements – The applicant shall comply with the following requirements ~~contained within the chart at the end of this section~~ regarding the keeping of animals in any zone where a dwelling unit is permitted.

a. Household Pets -

1. Types - The following animals will be regulated as household pets:

- a. Three (3) dogs or less per dwelling unit.
- b. Three (3) cats or less per dwelling unit.
- c. A total of four (4) dogs and cats per dwelling unit.
- d. Four (4) rabbits or less per dwelling unit.
- e. Gerbils.
- f. Guinea pigs.
- g. Hamsters.
- h. Mice.
- i. Cage birds.
- j. Nonvenomous reptiles and amphibians.
- k. Other animals normally associated with a dwelling unit, and which are generally housed within the dwelling unit.

2. Required Review Process: None

3. Maximum Number of Adult Animals Per Dwelling Unit:

- a. Three (3) dogs or less per dwelling unit
- b. Three (3) cats or less per dwelling unit.
- c. A total of four (4) dogs and cats per dwelling unit
- d. Four (4) rabbits or less per dwelling unit.
- e. Other: No maximum

4. Minimum Lot Size: ~~As required for a dwelling unit in the zone in which the subject property is located.~~ None

5. Minimum Setback: Structures and pens must be at least five (5) feet from each property line

6. Special Regulations:

~~1. Household pets, excluding dogs, cats, and rabbits, must be housed within the dwelling unit. If housed outside of the dwelling units, household pets, excluding dogs, cats, and rabbits, will be regulated as small domestic animals.~~

- a. Dogs, cats, and rabbits may be housed either inside or outside the dwelling unit
- b. Other household pets must be housed within the dwelling unit. If housed outside of the dwelling unit they will be regulated as small domestic animals.

b. Small Domestic Animals-

1. The following animals will be regulated as small domestic animals:

- a. More than three (3) dogs per dwelling unit.
- b. More than three (3) cats per dwelling unit.
- c. More than a total of four (4) dogs and cats per dwelling unit.
- d. More than four (4) rabbits per dwelling unit.
- e. Fowl, other than chickens

2. Required Review Process: None

~~4-3.~~ Maximum Number of Adult Animals Per Dwelling Unit: 20 per 35,000 sq. ft. of lot area and 1 per each additional 500 sq. ft. of lot area. Maximum of 3 fowl on lots less than 35,000 sq. ft. in RSA zones

4. Minimum Lot Size: In RSA zones, no minimum for fowl. Otherwise, 35,000 sq. ft.

~~35,000 sq. ft. per dwelling unit. No minimum lot size for fowl in RSA zones~~

5. Minimum Setback:

~~Structures and pens used to house animals must be at least 40' from each property line, except structures and pens used to house 3 fowl or less must be at least 10' from each property line~~

a. Structures and pens used to house more than 3 fowl and all other small domestic animals must be at least 40' from each property line.

b. Structures and pens used to house 3 fowl or less must be at least 10' from each property line.

6. ~~Special Regulations~~ The applicant must provide a suitable structure or pen to house the animals, and must maintain that structure or pen in a clean condition.

~~— The City may limit the number of animals allowed to less than the maximum considering:~~

~~_____ Proximity to dwelling units both on and off the subject property; and~~

~~_____ Lot size and isolation; and~~

~~_____ Compatibility with surrounding uses; and~~

~~_____ Potential noise impacts.~~

b. Roosters are prohibited on lots containing less than 35,000 sq. ft.

c. Chickens -

1. Types Allowed:

a. Female chickens, pullets, or hens.

b. Roosters are prohibited, except in RSA zones.

2. Required Review Process: None

3. Maximum total number:

a. Chickens per dwelling unit: 2 plus one per each 1,000 sq. ft of lot area in excess of 5,000 sq. ft with a maximum of 20.

a. Roosters per dwelling unit (RSA zones only): No more than 20 on lots greater than 35,000 sq. ft. and no more than 3 on lots less than 35,000 sq. ft.

4. Minimum Lot Size: In the RSA zone, none; otherwise 5,000 sq. ft.

5. Specifications:

b. The applicant must provide a fully enclosed structure for keeping chickens (e.g. coop or nesting box). The coop or nesting box shall provide protection from the following:

- 1) Weather by providing a fully enclosed structure including walls, roof, floor, and securable door.
- 2) Predators by being made of sturdy material.
- 3) Rodents by limiting small points of uncontrolled access, no larger than one-half inch.
- c. The applicant must provide an enclosed outside run or pen for roaming. The run or pen shall provide protection from the following:
 - 1) Weather by providing a covered portion of run space that allows chickens to escape rain and snow.
 - 2) Predators by being made of sturdy, small gauge animal fencing such as chain link or chicken wire along the entire perimeter of the run. Floor fencing shall also be installed. The top of the run must be covered with additional similar fencing or netting in a manner that helps prevent chickens from straying.
 - 3) Rodents by limiting small points of uncontrolled access, no larger than one-half inch
- d. KZC 115.08 Accessory Structure shall apply to shelters, coops, nesting boxes, runs and pens and other structures. In addition:
 - 1) The shelter, coop, and nesting box must be limited to no greater than a total of 200 sq. ft. in gross floor area and must be no greater than eight feet in height and; .
 - 2) The run or pen must be no greater than six feet in height.

6. Minimum Setbacks:

- a. Structures shall not be located in the required yards for the underlying zone, except as allowed by KZC 115.115 and except for the following:
 - 1) A chicken may forage or roam freely anywhere within a fenced yard.
 - 2) Mobile structures (chicken tractors) may be anywhere within a fenced yard.
- b. A shelter and run and other structures may be located within five feet of any property line provided that the property adjacent to the proposed location of the chicken shelter or run is either:
 - 1) Occupied primarily by a non-residential use such as a church, school or park
 - 2) A permanently dedicated easement or tract such as a native growth protection easement or open space tract that is at least 10 feet in width.
 - 3) A street or permanent trail or access corridor that includes a right of way at least 10 feet in width.

7. Special Regulations:

- a. Confinement: Adequate measures must be taken to provide safety for chickens and to prevent them from straying onto adjacent property.
- b. Cleanliness - Chickens must be sheltered in a clean structure and pen.

d. Bees-

1. Required Review Process: None

2. Maximum Number of ~~Adult Animals~~Bees Per Dwelling Unit:

~~Lots containing 15,000 sq. ft. or less: Maximum of two (2) hives. Lots containing more than 15,000 sq. ft. but less than 35,000 sq. ft.: Maximum of 5 hives. Lots containing 35,000 sq. ft. or more: Maximum of 15 hives.~~

- a. Lots containing 15,000 sq. ft. or less - maximum two hives.
- b. Lots containing more than 15,000 sq. ft. and less than 35,000 sq. ft. - maximum five hives
- c. Lots containing 35,000 sq. ft. or more - maximum 15 hives

3. Minimum Lot Size: 7,200 sq. ft.

4. Minimum Setback: Hive must be at least 25' from any property line. See also Special Regulation 5.e..

5. Special Regulations:

- a. Colonies ~~shall be~~must be in movable frame hives.
- b. Adequate space ~~shall be~~must be maintained in the hive to prevent overcrowding and swarming.
- c. Colonies ~~shall be~~must be requeened following any swarming or aggressive behavior.
- d. All colonies ~~shall be~~must be registered with the Wash. State Dept. of Agriculture, Plant Services Division, 406 General Administration Building, Olympia, WA 98504, prior to April of each year.
- e. Hives may be located closer than 25' to any property line if:
 - 1) Situated eight (8) feet or more above adjacent ground level; or
 - 2) Situated less than six (6) feet above adjacent ground level and behind a solid fence or hedge six (6) feet in height parallel to any property line within 25 feet of the hive and extending at least 20 feet beyond the hive in both directions.
- f. Bees living in trees, buildings, or any other space except in movable frame hives; abandoned colonies or diseased bees shall constitute a public nuisance.

e. Horses

1. Required Review Process:

~~If lot size is less than 35,000 sq. ft., then Process I, Chapter 145-KZC
Otherwise none~~

- a. PLA 16 zone, if part of a recorded master plan: none
- b. All other zones, including in PLA 16 on lots which are not part of a recorded master plan:
 - 1) On lots 35,000 sq. ft. or greater: none.
 - 2) On lots less than 35,000 sq. ft. the City may approve up to two (2) horses, using Process I, Chapter 145 KZC, based on the following criteria:
 - 1) Proximity to dwelling units both on and off the subject property; and
 - 2) Lot size and isolation; and
 - 3) Compatibility with surrounding uses; and
 - 4) Potential noise impacts

2. Maximum Number of Adult Horses:

- a. PLA 16 zone, if part of a recorded master plan: two (2) horses.

b. RS 35 and RSX 35 zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park or residential lots in PLA 16 zone which are not part of a recorded master plan:

- 1) On lots of at least 35,000 sq. ft. two (2) horses per 35,000 sq. ft. of lot area and up to two (2) additional horses may be kept on a residential lot, providing that an additional 3,000 sq. ft. of paddock area is available for each additional horse. (See subsection 5. for minimum paddock standards)
- 2) On lots less than 35,000 sq. ft. the City may approve up to two (2) horses using Process I, Chapter 145 KZC; pursuant to subsection 1.b. 2) of this section.

c. All other zones:

- 1) Two (2) horses per 35,000 sq. ft. of lot area and 1 horse per each additional 17,500 sq. ft. of lot area.
- 2) If lot size is less than 35,000 sq. ft. the City may approve up to two (2) horses using Process I, Chapter 145 KZC; pursuant to subsection 1.b. 2) of this section.

d. In addition to the maximum number of adult horses permitted, offspring from one (1) female are permitted at any given time until those offspring are able to survive independently.

3. Minimum Lot Size

a. PLA 16 zone, if part of a recorded master plan: 26,000 sq. ft.

b. All other zones, including in PLA 16 on lots which are not part of a recorded master plan:

- 1) 35,000 sq. ft.
- 2) May be less than 35,000 sq. ft. if approved through Chapter 145 KZC, Process I, pursuant to subsection 1.b. 2) of this section.

4. Barn Size and Setback:

a. The applicant must provide a suitable barn to house the horses, and must maintain it in a clean condition

b. RS 35 and RSX 35 zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park or residential lots in PLA 16 zone, which are not part of a recorded master plan:

- 1) Size: Barns within the designated paddock area may not exceed 1,200 square feet in footprint, excluding covered overhangs, and must be designed solely for housing of animals and storage of tack, feed, shavings or ancillary equipment.

2) Setbacks: Barns to house horses must be set back a minimum of 40 feet from habitable dwellings, both on and off the subject property.

c. All other zones, including in PLA 16 on lots that are part of a recorded master plan:

- 1) Size: Barns must not exceed 1,200 sq. ft., plus 10 percent of the lot area that exceeds 7,200 sq. ft. and must meet all other requirements of KZC Section 115.08; Accessory Structure.
- 2) Setbacks: Barns to house horses must be a minimum of 40 feet from each property line. The City may permit barns to extend into the property line in common with the abutting property; provided that:
 - a) An abutting property owner files a signed and notarized statement with the City in support of the request; and

- b) The barn complies with all other regulations pertaining to setbacks in that zone

4.5. Paddock Size and Setbacks

- a. RS 35 and RSX 35 Zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park or residential lots in PLA 16 zone which are not part of a recorded master plan:

- 1) Size: Each residential lot must contain an area of at least 10,000 permeable square feet for the purpose of accommodating two (2) horses, capable of being used for or easily converted to a paddock area and barn, and meeting the following standards:
 - 1) The paddock must have a minimum width of 40 feet and configured in a contiguous and usable manner to accommodate the feed, storage and manure pile. "Configured in a contiguous and usable manner" shall mean an area, uninterrupted by non-paddock area, having a shape as close to square or rectangular as possible. While the minimum width allowed is 40 feet, the majority of the area must have a width of at least 80 feet.
 - 2) The Planning Official is authorized to approve minor deviations from the required dimensions and/or shape of the paddock area due to pre-existing improvements and/or size, shape, or topography of the property.

2) Setbacks:

- a) The paddock areas must be set back five (5) feet from each property line which abuts a school use or a residential zone other than RS 35, RSX 35 or PLA 16, including part of a recorded master plan, otherwise there is no setback.
- b) The paddock areas must be set back 10 feet from habitable dwellings and five (5) feet from significant improvements outside the paddock area, such as swimming pools, sports courts, decks and patios, both on and off the subject property.

3) Additional Paddock Requirements

- a) The area used or reserved for paddock area must be pervious and exclusive of any structures or improvements (except barns) such as storage sheds, residential units, carports, decks, patios, swimming pools, ponds, sports courts, rockeries, or paving, but may contain easily removed features such as children's play equipment, landscaping, trellises, and flagpoles, as long as such features are not embedded in concrete or otherwise permanently mounted. The area shall not be located over a septic tank, drain field, or reserve drain field. Paddock areas shall not be located on steep slopes (over 15 percent grade) or in areas regulated under Chapter 90 KZC, Drainage Basins.
- b) Direct access to the paddock area must be available to deliver feed and pick up manure from an alley, an easement or an adjacent right-of-way across a side yard of the lot. The access route shall have a minimum unobstructed width of 15 feet and a grade no greater than 12 percent, except that for the first 15 feet in back of the existing or future curb line the grade shall not exceed six (6) percent. Any portion of an access route located within an adjacent equestrian trail easement shall not be paved, but may be surfaced with gravel up to 5/8-inch size.

- a.b. All other zones, including in PLA 16 on lots which are part of a recorded master plan:

- 1) Size: Each lot must contain an area of at least 14,500 sq. ft. capable of being used as a horse paddock area and configured to meet the following standards:
 - a) The paddock must be designed in a contiguous and usable manner to accommodate the feed storage and manure pile for two (2) horses. This area must be exclusive of any structures, including storage sheds, barns, residential units and carports.

- b) Direct access to this area must be available for trucks to deliver feed and pick up manure from an alley, easement, or an adjacent right-of-way across a side yard of the lot.

2) Setbacks: Paddocks must be a minimum of 20 feet from each property line. The City may permit horse paddocks to extend into the property line in common with the abutting property; provided that:

- a) An abutting property owner files a signed and notarized statement with the City in support of the request; and
- b) The paddock complies with all other regulations pertaining to setback in that zone.

6. Outdoor Manure Piles:

- a. PLA 16 zone: no outdoor manure pile may be placed closer than 65 feet to any adjacent residential structure.
- b. All other zones, no outdoor manure pile may be placed closer than a point equidistant to any adjacent residential structure.

f. Large Domestic Animals –

1. The following animals will be regulated as large domestic animals:

- a) Cattle.
- b) Sheep.
- c) Pigs.
- d) Goats.
- e) Other grazing or foraging animals.
- ~~—horses~~

2. Required Review Process:

~~If lot size is less than 35,000 sq. ft., then Process I, Chapter 145 KZC~~
~~Otherwise none~~

a) On lots 35,000 sq. ft and greater; none.

b) If the lot size is less than 35, 000 sq. ft. ~~the city will decide on the permitted number of large domestic animals using~~ Process I, Chapter 145 KZC; based on the following criteria:

- 1) Proximity to dwelling units both on and off the subject property; and
- 2) Lot size and isolation; and
- 3) Compatibility with surrounding uses; and
- 4) Potential noise impacts

3. Maximum Number of Adult Animals:

- a. Two (2) per 35,000 sq. ft. of lot area and one (1) per each additional 17,500 sq. ft. of lot area.
- b. In addition to the maximum number of adult animals permitted, offspring from one (1) female are permitted at any given time until those offspring are able to survive independently.

4. Minimum Lot Size

~~35,000 sq. ft. per dwelling unit. May be less if approved through Chapter 145 KZC, Process I~~

a. 35,000 sq. ft.

b. May be less than 35,000 sq. ft. if approved through Chapter 145 KZC, Process I pursuant to subsection 2.b. of this section.

5. ~~Structures-Barn~~ and Pen Size and Setback:

~~Structures and pens used to house animals must be at least 40' from each property line, subject to Special Regulation 1. Roaming, grazing areas and horse paddock areas must be at least 20' from each property line, subject to Special Regulation 1.~~

- a. The applicant must provide a suitable barn or pen to house the animals, and must maintain that barn or pen in a clean condition.
- b. Size: Barns must not exceed 1,200 sq. ft., plus 10 percent of the lot area that exceeds 7,200 sq. ft. and must meet all other requirements of KZC Section 115.65; Assessory Structure.
- c. Setbacks: ~~—structures-Barns~~ and pens used to house animals must be setback at least 40 feet from each property line. The city may permit barns and pens to extend into the property line in common with the abutting property; provided that:
 - 1) An abutting property owner files a signed and notarized statement in support of the request and,
 - 2) The barn or pen complies with all other regulations pertaining to setback in that zone.

6. Roaming and Grazing Areas:

Roaming and grazing areas must be at least 20 feet from each property line. The city may permit barns and pens to extend into the property line in common with the abutting property; provided that an abutting property owner files a signed and notarized statement in support of the request

7. ~~Outdoor~~ Manure Piles:

- a. PLA 16 zone: no outdoor manure pile may be placed closer than 65 feet to any adjacent residential structure.
- b. All other zones, no outdoor manure pile may be placed closer than a point equidistant to any adjacent residential structure.

TYPE OF ANIMAL ↓	REGULATIONS ↓	MAXIMUM MINIMUMS				
		Required Review Process	Number of Adult Animals	Lot Size	Setback	Special Regulations
Household-Pets		None	Per Dwelling Unit Dogs: 3 Cats: 3 Dogs and Cats: A total of 4 animals	As required for a dwelling unit in the zone in which the	Structures and pens must be at least 5' from each property line.	1. Household pets, excluding dogs, cats, and rabbits, must be housed within the dwelling unit. If housed outside of the dwelling units,

		Rabbits: 4 Other: No maximum	subject property is located:		household pets, excluding dogs, cats, and rabbits, will be regulated as small domestic animals:
Small Domestic Animals	None	20 per 35,000 sq. ft. of lot area and 1 per each additional 500 sq. ft. of lot area. Maximum of 3 fowl on lots less than 35,000 sq. ft. in RSA zones.	35,000 sq. ft. per dwelling unit. No minimum lot size for fowl in RSA zones.	Structures and pens used to house animals must be at least 40' from each property line, except structures and pens used to house 3 fowl or less must be at least 10' from each property line.	1.—The City may limit the number of animals allowed to less than the maximum considering: a.—Proximity to dwelling units both on and off the subject property; and b.—Lot size and isolation; and c.—Compatibility with surrounding uses; and d.—Potential noise impacts. 2.—The applicant must provide a suitable structure or pen to house the animals, and must maintain that structure or pen in a clean condition. 3.—Roosters are prohibited on lots containing less than 35,000 sq. ft.

TYPE OF ANIMAL ↓	REGULATIONS ↓	Required Review Process	MAXIMUM	MINIMUMS		Special Regulations
			Number of Adult Animals	Lot Size	Setback	
Large Domestic Animals		If lot size is less than 35,000 sq. ft., then Process I, Chapter 145-KZC. Otherwise none	2 per 35,000-sq. ft. of lot area and 1 per each additional 17,500-sq. ft. of lot area. If lot size is less than 35,000-sq. ft., then only 1 horse	35,000 sq. ft. per dwelling unit. May be less if approved through Chapter 145-KZC, Process I	Structures and pens used to house animals must be at least 40' from each property line subject to Special Regulation 1. Roaming, grazing areas and horse paddock areas must be at least 20' from each property line, subject to Special Regulation 1.	1.—If an abutting property owner files a signed and notarized statement in support of the request, the City may permit areas for roaming or grazing, horse paddock areas and structures or pens to extend into the property line in common with the abutting property; provided, that the structure or pen complies with all other regulations pertaining to setback in that zone. 2.—The City may limit the number of animals allowed to less than the maximum considering: a.—Proximity to dwelling units both on and off the subject property; and b.—Lot size and isolation; and c.—Compatibility with surrounding uses; and d.—Potential noise impacts. 3.—The applicant must provide a suitable structure or pen to house the animals, and must maintain that structure or pen in a clean condition. 4.—No outdoor manure pile may be placed closer than a point equidistant to any adjacent residential structure. 5.—For residential lots containing one (1) or more horses other than

					<p>those regulated below in Special Regulation 6, each lot must contain an area of at least 14,500 sq. ft. capable of being used as a horse paddock area and configured in a contiguous and usable manner to accommodate the feed storage and manure pile for two (2) horses. This area must be exclusive of any structures, including storage sheds, barns, residential units and carports. Direct access to this area must be available for trucks to deliver feed and pick up manure from an alley, easement, or an adjacent right-of-way across a side yard of the lot.</p> <p>6.— For residential lots in RS 35 and RSX 35 Zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park or residential lots in PLA 16 which are not part of a recorded master plan, the required review process shall be “None,” and the maximum number of adult animals and minimum lot size and setback regulations shall not apply. Instead, the following regulations shall apply:</p> <p>a.— Up to two (2) additional horses may be kept on a residential lot, providing that an additional 3,000 square feet of paddock area is available for each additional horse.</p> <p>(CONTINUED ON NEXT PAGE)</p>
Large Domestic Animals (Continued)	-	-	-	-	<p>b.— Each residential lot must contain an area of</p>

					<p>at least 10,000 permeable square feet for the purpose of accommodating two (2) horses, capable of being used for or easily converted to a paddock area and barn, having a minimum width of 40 feet and configured in a contiguous and usable manner to accommodate the feed, storage and manure pile. "Configured in a contiguous and usable manner" shall mean an area, uninterrupted by non-paddock area, having a shape as close to square or rectangular as possible. While the minimum width allowed is 40 feet, the majority of the area must have a width of at least 80 feet. The Planning Official is authorized to approve minor deviations from the required dimensions and/or shape of the paddock area due to pre-existing improvements and/or size, shape, or topography of the property.</p> <p>c. —The area used or reserved for paddock area must be pervious and exclusive of any structures or improvements (except livestock barns) such as storage sheds, residential units, carports, decks, patios, swimming pools, ponds, sports courts, rockeries, or paving, but may contain easily removed features such as children's play equipment, landscaping, trellises, and flagpoles, as long as such features</p>
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					<p>are not embedded in concrete or otherwise permanently mounted. The area shall not be located over a septic tank, drain field, or reserve drain field. Paddock areas shall not be located on steep slopes (over 15 percent grade) or in areas regulated under Chapter 90 KZC, Drainage Basins.</p> <p>d.—Direct access to the paddock area must be available to deliver feed and pick up manure from an alley, an easement or an adjacent right-of-way across a side yard of the lot. The access route shall have a minimum unobstructed width of 15 feet and a grade no greater than 12 percent, except that for the first 15 feet in back of the existing or future curb line the grade shall not exceed six (6) percent. Any portion of an access route located within an adjacent equestrian trail easement shall not be paved, but may be surfaced with gravel up to 5/8-inch size.</p> <p>e.—The paddock areas must be set back five (5) feet from each property line which abuts a school use or a residential zone other than RS-35, RSX-35 or PLA-16.</p> <p>(CONTINUED ON NEXT PAGE)</p>
Large Domestic Animals (Continued)	-	-	-	-	<p>f.—The paddock areas must be set back 10 feet from habitable dwellings and five (5) feet from significant improvements outside the paddock area, such as swimming</p>

					<p>pools, sports courts, decks and patios. Livestock barns must be set back 40 feet from habitable dwellings.</p> <p>g.—Livestock barns permitted within the designated paddock area may not exceed 1,200 square feet in footprint, excluding covered overhangs, and must be designed solely for housing of animals and storage of tack, feed, shavings or ancillary equipment.</p> <p>h.—Special Regulations 2, 3, and 4 also apply to these zones.</p> <p>i.—Interpretations of the Zoning Code which directly or indirectly involve application of regulations about horse paddock areas shall be liberally construed in favor of an equestrian character for the neighborhood.</p>
Bees	None	<p>Lots containing 15,000-sq. ft. or less: Maximum of two (2) hives.</p> <p>Lots containing more than 15,000-sq. ft. but less than 35,000 sq. ft.: Maximum of 5 hives.</p> <p>Lots containing 35,000-sq. ft. or more: Maximum of 15 hives.</p>	7,200-sq. ft.	<p>Hive must be at least 25' from any property line. See also Special Regulation 5.</p>	<p>1.—Colonies shall be in movable frame hives.</p> <p>2.—Adequate space shall be maintained in the hive to prevent overcrowding and swarming.</p> <p>3.—Colonies shall be requeened following any swarming or aggressive behavior.</p> <p>4.—All colonies shall be registered with the Wash. State Dept. of Agriculture, Plant Services Division, 406 General Administration Building, Olympia, WA 98504, prior to April of each year.</p> <p>5.—Hives may be located closer than 25' to any property line if:</p> <p>a.—Situating eight (8) feet or more above adjacent ground level; or</p>

					<p>b. — Situated less than six (6) feet above adjacent ground level and behind a solid fence or hedge six (6) feet in height parallel to any property line within 25 feet of the hive and extending at least 20 feet beyond the hive in both directions.</p> <p>6. — Bees living in trees, buildings, or any other space except in movable frame hives; abandoned colonies or diseased bees shall constitute a public nuisance.</p>
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In addition to the maximum number of adult animals permitted, offspring from one (1) female are permitted at any given time until those offspring are able to survive independently.

Chapter 8.08 FOWL

Sections:

- ~~8.08.010 Running at large prohibited.~~
- ~~8.08.020 Keeping for resale or profit unlawful.~~
- ~~8.08.030 Keeping more than five pairs unlawful.~~
- ~~8.08.040 Buildings used for keeping — Zoning compliance required.~~

8.08.010 Running at large prohibited.

~~(a) It is unlawful for any person, firm, company or corporation to permit any chickens, ducks, geese, turkeys, or other domestic or wild fowls belonging to them or under their control to run at large within the city limits.~~

~~(b) Fowls, as above described, shall be deemed running at large within the meaning of this section when off the owner's premises and not within his immediate control. (Ord. 251 § 1, 2, 1925)~~

8.08.020 Keeping for resale or profit unlawful.

~~It is unlawful for any person, firm, association, corporation or partnership to raise, care for, breed, maintain or induce the propagation of pigeons or other similar birds or fowl, primarily for resale or profit within the corporate limits of the city. (Ord. 809 § 1, 1960)~~

8.08.030 Keeping more than five pairs unlawful.

~~It is unlawful for any person, firm, association, corporation, or group of persons all having the same abode, to raise, care for, breed, maintain, or induce the propagation of more than five pairs of pigeons or similar birds or fowl for any purpose whatsoever within the corporate limits of the city. (Ord. 809 § 2, 1960)~~

8.08.040 Buildings used for keeping — Zoning compliance required.

~~Any building, loft, or other structure used in part or whole for any of the purposes set forth in Sections 8.08.020 and 8.08.030 above is hereby denominated an accessory building as such is defined in the Kirkland zoning ordinance, and shall conform to the size and setback limitations as prescribed therefor in the Kirkland zoning ordinance. (Ord. 809 § 3, 1960)~~

From: [Paul Stewart](#)
To: [Joan Lieberman-Brill](#)
Subject: FW: Comments on chicken raising in Kirkland (Chapter 115 Section 115.20.4 "Chickens")
Date: Thursday, April 26, 2012 8:43:15 AM

From: Neil Kauffman [mailto:neil@neilk.org]
Sent: Wednesday, April 25, 2012 7:12 PM
To: Planning Commissioners
Subject: Comments on chicken raising in Kirkland (Chapter 115 Section 115.20.4 "Chickens")

Hello,

I'm writing in favor of reducing the lot requirements for owning chickens in Kirkland. I unfortunately cannot attend the April 26th meeting so I wanted to give my thoughts in writing.

I grew up in Wisconsin and have owned chickens and other animals for much of my life. I feel the current lot size requirements for owning chickens don't reflect the reality of what chickens humanely require.

- Any size single-family lot is large enough to raise several chickens. A small 20 sq foot coop with a 100 sq foot run is plenty of space for 4 chickens to raised healthily and happily.
- As a comparison, the United Egg Producers current cage sizing recommendation is 67 to 86 sq inches per bird (according to Wikipedia.) While no backyard chicken enthusiast would subject their pets to such confinement it shows the tiny space in which chickens are routinely raised in factory egg farms.
- Chickens can easily be contained to a single lot to allow them to "free range" or forage for food. Fencing requirements for free ranging chickens is a fair condition of ownership as a neighbor's vegetable garden would quickly become a buffet.
- Chickens are omnivores; they will happily kill and eat mice or rats. Rodents are seldom a problem around a coop. Bugs are also a tasty treat and chickens naturally keep them in check.
- Chickens are a quiet pet (excluding roosters). They only make noise (beyond a soft "clucking") when excited or when laying an egg. However, they only lay eggs in the daylight hours (generally late morning/noon.) Chickens are quiet throughout the night.
- Odor from chicken coops is directly proportional to the lack of upkeep. Existing health and safety rules should be sufficient to deter unsanitary conditions. Again, most backyard chicken enthusiasts wouldn't keep their pets in squalid conditions.

I hope the planning commission will vote to reduce the lot requirements based on the above observations.

Thank you,

Neil Kauffman

12627 NE 87th PL
Kirkland, WA 98033

Joan Lieberman-Brill

From: Paul Stewart
Sent: Thursday, April 26, 2012 8:41 AM
To: Joan Lieberman-Brill
Subject: FW: Kirkland's Chicken Policy

From: Nancy Kartes [\[mailto:nkartes@frontier.com\]](mailto:nkartes@frontier.com)
Sent: Wednesday, April 25, 2012 9:51 PM
To: Planning Commissioners
Subject: Kirkland's Chicken Policy

Dear Planning Commissioners,

Just over a year ago, I was pleased to speak to you in favor of broadening Kirkland's backyard chicken policy to allow chickens on small lots. I am delighted that you are moving forward in your consideration of this issue, and I appreciate the City staff's research into the regulations of neighboring cities. I have also read and support Kathy Weber's BACKYARD CHICKEN POLICY UPDATE CONSENSUS document dated April 24, 2012.

A well-managed backyard flock is a great source of nutritious eggs; natural weed and insect pest control; and organic fertilizer for backyard veggies. Property owners should be as free to own and care for chickens as they are to own and care for pets.

Thank you for your consideration.

Nancy Kartes

Kirkland Coalition for Backyard Agriculture

BACKYARD CHICKEN POLICY UPDATE CONSENSUS April 24, 2012

It is great that we are finally finding coming together on the details of friendlier policies regarding backyard chickens. You have reviewed Kirkland's current policies and those of many neighboring cities. We have discussed at length the desire for more of our City residents to legally raise backyard chickens.

1--HOW MANY chickens on HOW BIG LOT?

KEEP IT THE SAME: All lots exceeding 35,000 sq ft (0.8A) may have 20 chickens (includes ducks). They may have 1 additional bird for every 500 sq ft in excess OF 35,000 sq ft..

ADOPT NEW RULES: Maximum 8 chickens on smaller lots (as Seattle does). When the lot is larger than 10,000 sq ft, 1 additional chicken is permitted for each additional 1000 sq ft.

Note: Do not need minimum lot size because practical aspects of placing a pen will govern. This is a reasonable number of chickens for anyone to have a successful backyard agriculture experience in any neighborhood of Kirkland. The Seattle policies have worked well in an area with more density than many Kirkland neighborhoods. Adopt Seattle policy for lots smaller than 35,000 sq ft.

2—PERMIT OR APPLICATION PROCESS?

KEEP IT THE SAME: No, neither.

Note: Let's spend our time on more important things. Staff is lean and this is unnecessary. Just enough government, rather than too much government, eh?

3—SHOULD ROOSTERS BE ALLOWED?

KEEP IT THE SAME: Only on lots exceeding 35,000 sq feet as they are now. Roosters are prohibited on lots smaller than 35,000 sq ft.

Note: They keep a flock healthier, chickens happier, and are more aggressive at fending off predators. People who have legal roosters on very large lots now should not be penalized by our efforts to expand the property rights and backyard agriculture opportunity for those with lots under 35,000 sq ft. If there is ever an issue we have noise ordinances that will govern any complaint.

4—SETBACKS?

KEEP IT THE SAME: Rules regarding garden structures now say that setback

from neighboring property line should be 5' on the side and 20' at the front. Keep this.

ADOPT NEW RULES: Chicken coop structures must be 10' from dwelling unit on adjacent lot (like Seattle). Advocates for backyard chickens like the idea of measuring distance from neighbor's dwelling, not simply the property line (like Seattle does)

Note: This is both respectful of next door neighbors and is reasonable for residents wishing to have backyard chickens. The setbacks should be comparable to Seattle and to the original King County ordinances governing our annexed areas as stated.

5—COOP CONCERNS: DESIGN, CLEANLINESS, CONSTRUCTION

KEEP IT THE SAME: Must provide a suitable structure or pen to house the animals and must maintain it in a clean condition.

Note: There are best practices in coop design and construction and resources are available for those who want to learn. We do not need to mandate additional details re construction methods, size, or height. There will be personal design choices, and we hope to include some Kirkland coops on the backyard coop tour sponsored by Seattle Tilth. There are best practices for food storage and coop design to keep pests and predators away, and they should remain "best practices" rather than rules.

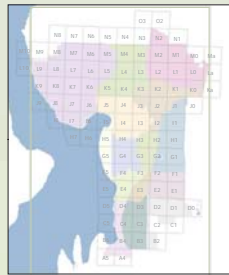
FOOTNOTE: These are enough rules. Government has bigger things to grapple with. Residents motivated to keep chickens are generally a considerate and responsible group. Any additional rules have unintended consequences. They may penalize our new citizens of the annexed areas in ways that are not at all welcoming. Many in the newly annexed area have modeled the success of backyard chickens without incidents for decades. This is a time to come together with a common purpose. It is reasonable to adopt all of these rules now. It is not reasonable to "go part way" and say we can revisit this later as the process of reviewing and creating policy change in Kirkland is tedious and slow. We have been dialoguing for nearly two years and we aren't yet done. This, summary, however, seems to summarize the growing consensus.

Let us encourage more citizens to enjoy the community fun and fresh healthy food benefits of back yard agriculture!

Kathy Weber
Kirkland Coalition for Backyard Agriculture

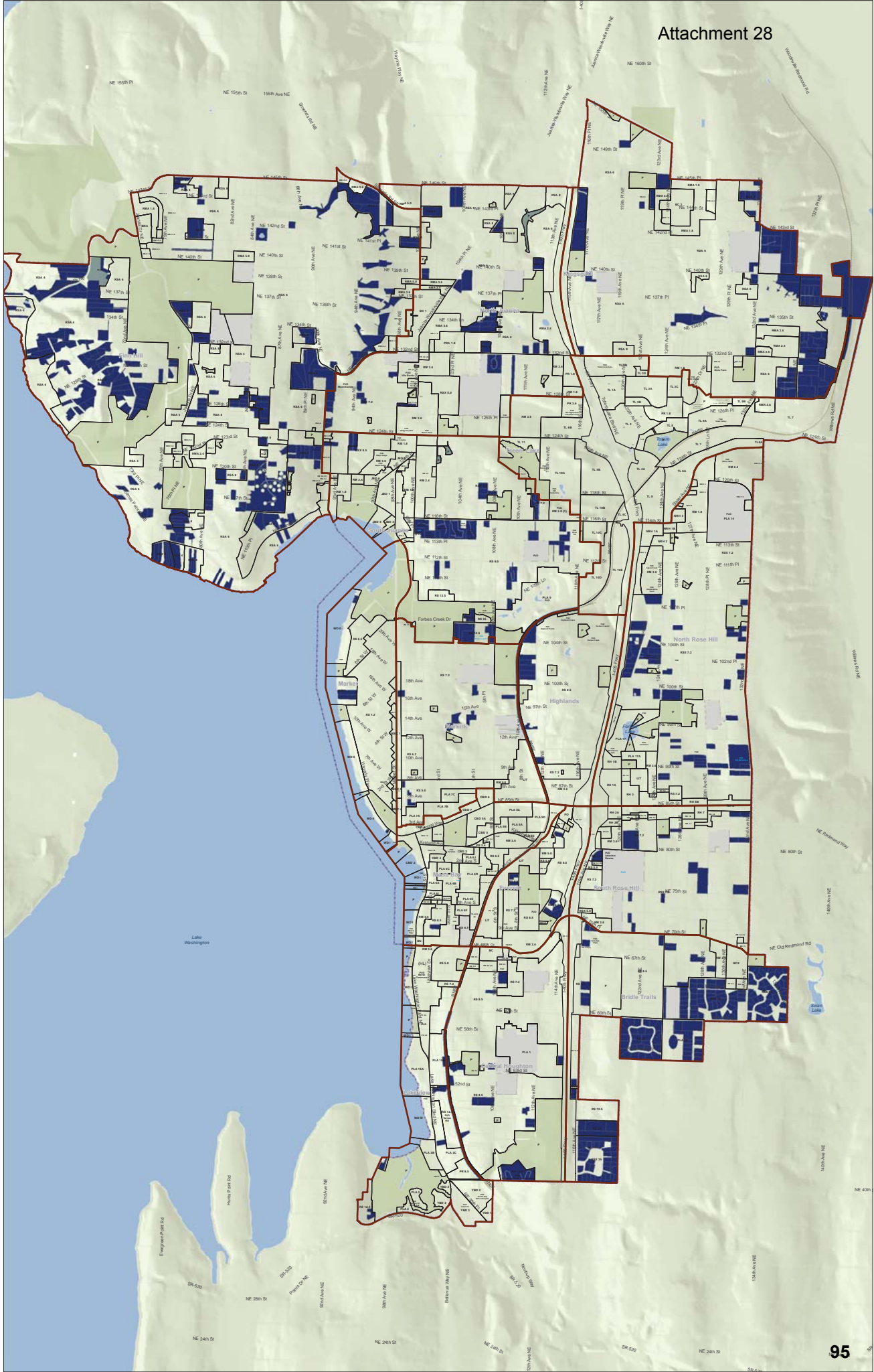
City of Kirkland
Lots Larger Than
35,000 sqft in Low
Density Residential
Zoning Districts

- Lots Larger Than 35,000 sqft in Low-Density Residential Zones
- Zoning District Boundary
- Neighborhood Boundary
- Parks
- Schools
- Parcels
- Railroads
- Major Streets
- Streets
- City Limits
- Lakes



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Author: Name In Map Doc Properties
Name: Parcels_over_35k_sqft
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22.28.042 Lots—Small lot single-family.

~~In the Central Houghton, Market, Norkirk and Lakeview (except for lots located in the PLA 3C and RS 12.5 zone) neighborhoods, as defined in the comprehensive plan~~Within the RS and RSX 6.3, 7.2 and 8.5 zones, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030 and 22.28.040, low Impact development provisions of Section 22.28.041, and historic preservation provisions of Section 22.28.048, the minimum lot area shall be deemed to be met if at least one-half of the lots created contain no less than the minimum lot size required in the zoning district in which the property is located. The remaining lots may contain less than the minimum required lot size; provided, that such lots meet the following standards:

- (a) Within the RS 6.3, RSX and RS 7.2 zones, the lots shall be at least five thousand square feet.
- (b) Within the RSX and RS 8.5 zone, the lots shall be at least six thousand square feet.
- (c) The portion of any flag lot that is less than thirty feet wide and used for driveway access to the buildable portion of the lot may not be counted in the lot area.
- (d) The floor area ratio (FAR) shall not exceed thirty percent of lot size; provided, that FAR may be increased up to thirty-five percent of the lot size if the following criteria are met:
 - (1) The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical to twelve feet horizontal; and
 - (2) All structures are set back from side property lines by at least seven and one-half feet.
- (e) The FAR restriction shall be recorded on the face of the plat.
- (f) Accessory dwelling units are prohibited. This restriction shall be recorded on the face of the plat. (Ord. 4332 § 1(C) (Exh. C), 2011: Ord. 4330 § 1 (Exh. A), 2011: Ord. 4102 § 1(A), 2007)

22.28.048 Lots—Historic preservation.

~~In the Market and Norkirk neighborhoods, as defined in the comprehensive plan~~Within the low density zones listed below in subsections a-d, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030, 22.28.040, low Impact development provisions of Section 22.28.041, and the small lot single-family provisions of Section 22.28.042, the minimum lot area shall be deemed to be met if no more than two lots are created that contain less lot area than the minimum size required in the zoning district in which the property is located, and if an “historic residence” is preserved on one of the lots, pursuant to the process described in Chapter 75 of the Kirkland Zoning Code. The lots containing less than the minimum required lot area shall meet the following standards:

- (a) Within the RSA 6, RS 6.3 and RS and RSX 7.2 zones, the lots shall be at least five thousand square feet.

(b) Within the RSA 4, RS 8.5 and RSX 8.5 zones, the lots shall be at least six thousand square feet.

(c) Within the RS 12.5, RSX 12.5 and WDII zones, the lots shall be at least seven thousand two hundred square feet.

(d) Within the RS and RSX 35 zones not located north or northeast of the Bridle Trails State Park, the lots shall be at least fifteen thousand and fifty square feet.

(d) The portion of any flag lot that is less than thirty feet wide, and used for driveway access to the buildable portion of the lot, may not be counted in the lot area.

(e) Accessory dwelling units are prohibited. The restriction shall be recorded on the face of the plat.

Lots containing historic residences shall also meet the following standards:

(f) If a historic residence is destroyed, damaged, relocated, or altered inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) (Code of Federal Regulations, 36 CFR Part 68), the replacement structure shall be reconstructed in accordance with the criteria established in Section 75.105 of the Kirkland Zoning Code. The replacement restriction shall be recorded on the face of the plat.

(g) As part of subdivision approval, the city may allow the following modifications to regulations in the Kirkland Zoning Code regarding minimum required yards, maximum lot coverage, and floor area ratio on the lot containing the historic residence if the modifications are necessary to accommodate the historic residence.

(1) Required yards may be two feet less than required by the zoning district as shown on the Kirkland zoning map.

(2) Floor area ratio may be five percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.

(3) Lot coverage may be five percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.

(h) At the time of recording the plat, a notice of applicable restrictions for the lot containing the designated historic residence shall be recorded. (Ord. 4102 § 1(B), 2007)

115.07 Accessory Dwelling Units

One (1) accessory dwelling unit (ADU) is permitted as subordinate to a single-family dwelling; provided, that the following criteria are met:

1. Number of Occupants – (No Change).
2. Owner Occupancy – (No Change)
3. Subdivision – (No Change)
4. Scale – (No Change)
5. Location. (No Change).
6. Entrances. (No Change)
7. Parking. (No Change)
8. ~~Market and Norkirk Neighborhoods~~ Small Lot Single-Family and Historic Preservation Subdivisions - ~~Within the Market and Norkirk Neighborhoods, as defined in the Comprehensive Plan, a~~ Accessory dwelling units are prohibited on lots smaller than the required minimum lot size approved using the small lot single-family and historic preservation subdivision regulations contained in KMC 22.28.042 and 22.28.048.
9. Applicable Codes. (No Change)
10. Permitting (No Change)

75.55 Historic Residence Designation – Intent

~~The Norkirk and Market~~Kirkland Neighborhoods contain many historic houses representing a variety of architectural styles and historic time periods, and providing a record of Kirkland's residential development. The loss of any historic houses in these neighborhoods would constitute an irreparable diminishment of community character. Preventing this loss and protecting community character and historic resources are consistent with and supported by the ~~Community Character Element and by the Norkirk and Market Neighborhood Plans within the~~ Comprehensive Plan. It is in the public interest to preserve this rich architectural diversity and tangible connections with Kirkland's past. The historic residence designation process provides an opportunity for historic houses in ~~the Market and Norkirk Neighborhoods~~ to be preserved.

A house may be considered for historic residence designation if it retains its overall original form, massing and sufficient original architectural elements to convey its historic character. This could include, for example, a house that has been moved, changes to windows that do not significantly change the original window placement or form, and replacement of siding. Additions and alterations to the historic house will be evaluated on a case-by-case basis.

75.60 Historic Residence Designation – Required Review

The City will review and decide upon each proposal to designate a house as an historic residence using the provisions of Process I, Chapter [145](#) KZC. Noticing is required pursuant to the noticing provisions of Chapter [150](#) KZC. The review process will include an assessment to determine eligibility for designation as an historic residence. The assessment, funded by the applicant, must be conducted by staff or consultants meeting the Secretary of the Interior's Historic Preservation Professional Qualification Standards (Code of Federal Regulations, 36 CFR Part 61).

75.65 Historic Residence Designation – Who May Apply

The person holding fee title to the subject property ~~in the Market or Norkirk Neighborhoods, as defined in the Comprehensive Plan,~~ may apply to designate a home as an historic residence.

75.70 - 75.110 (no change)

118 Hazardous Liquid Pipelines (new chapter)

118.010	Purpose
118.020	Applicability
118.030	Development Notice
118.040	Development Application and Submittal Requirements
118.050	Setback Requirements
118.060	Requirements for Land Use Compatibility
118.070	Variances

118.010 Purpose

The purpose of this section is to:

- A. Help prevent and minimize unnecessary risk to the public health, safety, and welfare due to hazardous liquid pipelines;
- B. Minimize the likelihood of accidental damage to hazardous liquid pipelines;
- C. Avoid exposing land uses with either high on-site populations that are difficult to evacuate or that provide emergency response functions to risk of injury or damage in the event of a pipeline failure;
- D. Help reduce adverse impacts in the event of a pipeline failure;
- E. Supplement existing federal and state regulations related to hazardous liquid pipeline corridor management; and
- F. Improve communication between property owners and pipeline operators to minimize the risk of inadvertent damage to hazardous liquid pipelines and to provide guidance to property owners about minimizing further risk through site design or construction.

The provisions of this section are intended to protect the health, safety and welfare of the general public and are not intended to protect any particular individual, class of individuals, or organization.

118.020 Applicability

The provisions of this chapter shall apply to all development activity, landfilling, excavation and construction on properties within 150 feet of any hazardous liquid pipeline corridor, as defined in KZC 5.10.348. This chapter does not apply to the conduct of pipeline operators. The conduct of pipeline operators is regulated by the Federal Pipeline Safety Act, 49 U.S.C. § 60101, et seq., and the Washington State Pipeline Safety Act, RCW 81.88. Pipelines within public rights-of-way are also regulated by the terms and conditions of franchise agreements between the City and pipeline operators. Modifications to existing structures are exempt from this

chapter if they do not involve landfilling, excavation or high consequence land uses, as defined in KZC 5.10.358.

118.030 Development Notice

Prior to conducting any development activity, landfilling, excavation, or construction located within 150 feet of a hazardous liquid pipeline corridor identified on the official City of Kirkland Olympic Pipeline Map, the applicant shall provide notification to the pipeline operator using a form provided by the City.

118.040 Development Permit Application Submittal Requirements

For all activities requiring a development permit:

- A. The applicant shall show the hazardous pipeline corridor and applicable setbacks on site plans, subdivisions and short subdivisions for proposed development on properties to which this chapter applies.
- B. The applicant shall provide verification that the pipeline operator has received and reviewed the development notice required in section 115.52.030. All comments provided by the operator shall be submitted or the operator shall confirm in writing that the operator has no comments.

118.050 Setback Requirements

- A. Hazardous Liquid Pipeline Corridor: No landfilling or excavation and no construction or expansion of structures is allowed within the corridor other than those authorized by the pipeline operator.
- B. Areas Adjacent to the Hazardous Liquid Transmission Pipeline Corridor.
 - 1. All development activity, landfilling, excavation and construction shall be setback a minimum of 25 feet from the edge of the corridor.
 - 2. The Planning Official may expand the setback when necessary to meet the purpose of this section due to site-specific conditions, such as proposed major land surface modification or proximity of the pipeline.
 - 3. The Planning Official may reduce the setback due to site-specific conditions and an applicant's demonstration that the purpose of this section will be met. Factors to be considered shall include but are not limited to:
 - a. Pipeline location as determined using the pipeline operator's normal locating procedures; and
 - b. Type of construction proposed.
 - 4. If the Planning Official reduces the setback from the corridor, the following applies:

- a. The setback shall be a minimum of 30 feet from the nearest edge of the pipeline.
 - b. The setback shall be measured from the nearest edge of the hazardous liquid pipeline.
 - c. The location of the pipeline and the reduced setback shall be shown on all approved site plans and subdivisions.
- C. Exemptions: Streets, utilities, trails and similar uses shall be exempt from subsections B1 and 2 above, provided that the pipeline operator shall be notified prior to landfilling, excavation or construction.
- D. Emergency Work: In the event of any emergency in which a pipeline breaks, is damaged, or is otherwise in such a condition as to immediately endanger the life, health, safety, or property of any person, the pipeline operator shall not be required to comply with this chapter or obtain permits prior to taking corrective action. The pipeline operator shall, however, call 911 immediately upon learning of the emergency.
- E. Setback Protection: Setbacks shall be identified and protected during construction by placement of a temporary barricade and on-site notices. Barricades and on-site notices are subject to review by the Planning Official.

118.060 Requirements for Land Use Compatibility

A. High Consequence Land Uses.

1. New high consequence land uses, as defined in KZC 5.10.358, proposed to be located within 500 feet of a hazardous liquid pipeline corridor are prohibited.
2. Proposed expansions to existing high consequence land uses located within 500 feet of a corridor shall be reviewed by the Planning Official to ensure that they are designed to avoid increasing the level of risk in the event of a pipeline failure, and where feasible, reduce the risk compared to the existing development. Potential techniques to minimize risk include but are not limited to:
 - a. Site design features, such as maintaining or increasing the distance between occupied structures, or structures that provide critical lifeline functions, and the pipeline and anticipated flow paths for leaking hazardous materials.
 - b. Building features, which do not result in a significant increase in on-site population or which expedite evacuation.
 - c. Technological features which provide accelerated notice of a pipeline failure to high consequence land uses to facilitate evacuation or which help avoid damage in the event of a failure of the pipeline.

- d. Operational features, such as emergency plans and education programs developed in consultation with the Fire Department including:
 - 1) The level of emergency planning and procedures appropriate for the proposed development. Based on the nature, occupancy, or location of a proposed development, the Fire Department may require emergency plans and procedures for any occupancy classifications.
 - 2) Plans and programs for occupants and employees concerning pipeline safety, such as what to be aware of and how to respond in the event of a problem and drills,
 - 3) Emergency plans and procedures shall be consistent with the Kirkland Fire Code and shall be approved by the Fire Department.
- B. Location: Prior to commencing any development activity, landfilling, excavation or construction on properties that abut a corridor, notification shall be given through the one-call locator service prior to commencement of any of the permitted work.

118.070 Variances:

Relief from the setback requirements of this chapter shall be in accordance with the standards and procedures found in KZC 120 - Variances. The City shall provide written notice of the variance proposal to the pipeline operator and any comments provided shall be incorporated into the findings of the decision.

Definitions

5.10. ~~350- 346~~ Ground-Mounted Sign

– All of the following: pole signs, pedestal signs and monument signs.

5.10. 347 Hazardous Liquid Pipeline:

- As defined by RCW 81.88.040, Hazardous liquid means: (a) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 in effect March 1, 1998; and (b) carbon dioxide. Pipeline, pipeline system, or hazardous liquid pipeline mean all parts of a pipeline facility through which a hazardous liquid moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. Pipeline or pipeline system does not include process or transfer pipelines.

5.10. 348 Hazardous Liquid Pipeline Corridor

- The pipeline pathway in which the pipelines and facilities of a hazardous liquid pipeline operator are located, including public rights-of-way and easements over and through public or private property

5.10. 358 High Consequence Land Use

- A land use that if located in the vicinity of a hazardous liquid pipeline represents an unusually high risk in the event of a pipeline failure due to characteristics of the inhabitants or functions of the use. High consequence land uses include:

(1) Land uses that involve a high-density on-site population that are more difficult to evacuate. These uses include schools (through grade 12), hospitals, clinics, multifamily housing or other facilities exclusively for elderly or handicapped, stadiums or arenas, and day care centers, and does not extend to family day care or adult family homes.

(2) Land uses that serve critical "lifeline" or emergency functions, such as fire and police facilities, utilities providing regional service, or water supplies if exposed to a significant risk that will curtail its lifeline function for a critical period of time.

(3) Uses with similar characteristics as determined by the Planning Official.

55.47 User Guide.

The charts in KZC 55.51 contain the basic zoning regulations that apply in the TL 7 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section
55.49**

 Zone
TL 7

Section 55.49 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. A Hazardous Liquid Pipeline extends through the TL 7 zone. Refer to KZC 118 for regulations pertaining to properties near Hazardous Liquid Pipelines.
- 2.3 Any development activities requiring Design Review approval pursuant to KZC 142.15 in this zone shall be reviewed administratively (ADR), pursuant to KZC 142.25.
- 3.4 Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.
- 4.5 Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

Section 55.51	USE ↓ REGULATIONS ↓	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Requi red Revie w Proce ss	MINIMUMS			MAXIMUMS		Landscape Category	Sign Category	Require d Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Siz e	REQUIRED YARD (See Ch. 115)			Height of Structure					
				Fro nt	Sid e	Re ar						
.010	Packaging of Prepared Materials Manufacturing See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC. See Gen. Reg. 2.	No ne	20'	0'	0'	90%	35' above average building elevation.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: a. Food, drugs, stone, clay, glass, china, ceramics products, electrical equipment, scientific or photographic equipment; b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities; c.Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations; d. Packaging of prepared materials; e. Textile, leather, wood, paper and plastic products from pre-prepared material; and f. Other compatible uses which may

~~162.6035.12~~ Special Provisions for Continued Uses – Nonconforming Density

The provisions of this section set forth when, and under what circumstances, residential property with nonconforming density may continue in existence or be rebuilt or redeveloped. An existing lawful use of a residential structure which became nonconforming as to density ~~either as a result of amendatory Ordinance No. 2347 or due to other zoning changes implemented to bring about conformity with the Comprehensive Plan~~ shall be allowed to continue in existence, or be remodeled, repaired or maintained subject to the conditions listed below. ~~Redevelopment or rebuilding may not occur unless the structure is destroyed by fire or other casualty (see subsection (4) of this section).~~

1. The provisions of this section apply only to multifamily structures in areas designated by the ~~Comprehensive Plan~~ Zoning Code for multifamily use.
2. ~~Any change in use shall conform to the Comprehensive Plan and zoning regulations in effect at the time such change is made.~~
3. ~~Any change in density shall comply with the provisions of this section.~~
42. Ordinary repairs and maintenance may be carried out consistent with the provisions of this chapter; ~~provided, that there shall be~~ with no limitation on the amount or cost of such repairs and maintenance.
53. Remodeling may be carried out consistent with the provisions of this chapter; provided, that ~~within any 24-month period, the value of all improvements may not exceed 50 percent of either the assessed valuation of the existing structure based on the King County assessed valuation of the structure, or the value of the existing building as determined by the most current Building Standards as published by the International Conference of Building Officials, whichever is greater. If there is no King County assessment for the structure to be remodeled, the most current Building Standards as published by the International Conference of Building Officials shall be used to determine valuation~~ there is no change to the configuration of exterior walls.

The density within the remodeled density structure is no greater than ~~must be at least 75 percent of that contained in the original structure. The major exterior dimensions of the structure shall not exceed the major exterior dimensions of the previous structure. Except as noted in this subsection and subsection (7) of this section, this provision shall not reduce any requirements of the zoning, building, or fire codes in effect when the structure is remodeled.~~

64. Residential property with nonconforming density shall not be subject to the provisions of this chapter relating to destruction by fire or other casualty. In the event a residential structure that is nonconforming as to density is destroyed to any extent by fire or other casualty, the structure may be rebuilt as a residential structure; provided, however, that the number of dwelling units, gross floor area of the structure, and major exterior dimensions of the structure shall not exceed the same dimensions or standards of the previous structure. This subsection shall not reduce any requirements of the zoning,

building, or fire codes in effect when the structure is rebuilt. The property owner shall also have the option of rebuilding the structure at a reduced density, as described in subsection (5) of this section. The provisions of this subsection shall only be available if an application for a building permit is filed within 12 months of fire or other casualty and construction is commenced and completed in conformance with the provisions of the building code then in effect.

- ~~7. Should the number of parking stalls provided on-site be insufficient to meet zoning regulations in effect at the time of remodeling, this deficiency shall be allowed to remain with the remodel; provided, that the number of stalls may not be reduced from the number of stalls on-site with the original structure. Any surplus of parking stalls above those required by the zoning regulations in effect at the time of remodeling may be eliminated.~~
- ~~8. The owner of a continued use nonconforming as to density may request the issuance of a "certificate of continued use" which shall identify the property, existing use, density and site characteristics for which the certificate is issued and which shall include the provisions of this chapter.~~

162.35.4213. Any Other Nonconformance

If any nonconformance exists on the subject property, other than as specifically listed in the prior subsections of this section, these must be brought into conformance if:

- a. The applicant is making any alteration or change or doing any other work in a consecutive 12-month period to an improvement that is nonconforming or houses, supports or is supported by the nonconformance, and the cost of the alteration, change or other work exceeds 50 percent of the replacement cost of that improvement; or
- b. The use on the subject property is changed and this code establishes more stringent or different standards or requirements for the nonconforming aspect of the new use than this code establishes for the former use.



April 26, 2012

BY ELECTRONIC MAIL

City Council Members
City Planning Commission
City of Kirkland
123 5th Avenue
Kirkland, WA 98033

Re: 2012 Misc. Zoning Code Amendments – Study Session
Non-Conforming Density Properties – Chapter 162 Section 162.60
Regulations beyond “density” restrictions – incompatibility with adjacent BN-
Residential Markets

Dear Council Members and Planning Commissioners:

On behalf of my clients, I write you today regarding proposed Kirkland zoning code changes to non-conforming density regulations. The current zoning code amendments for non-conforming densities apply to most of the property owners who have been involved in the BN-Residential Market review. On behalf of my clients, I wish to express support for some of the proposed changes, but to also draw attention to some remaining areas, which seem to unintentionally disfavor, or needlessly restrict the owners of surrounding properties and thus creating more of an inequity of treatment between the BN-Residential Market and neighbors in RM zones.

Historically, all land south of the centerline of 7th Ave. S. (approximately downtown) and north of the centerline of NE 63rd St. experienced a dramatic reduction in development potential due to specific, problematic vehicular ingress and egress along Lake St. S./Lake Washington Blvd NE. This also avoided creation of greater "cut through traffic" on neighborhood streets like 10th Ave. S. This down zone was for all of the land within the area described in Resolution 2639. A copy is available upon request. Through a legal settlement in 1979, the non-conformance created was due to density concerns only. The existing condominiums and apartments were generally built at 20-30% lot coverage even though the RM properties allow a footprint that can cover 60% of the lot.

City of Kirkland
April 26, 2012
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The 1977 down zone did not address or aim to reduce the allowable lot coverage in the RM zone in contrast to the Comprehensive Plan changes that did require alterations to zoning text in order to restrict size and scale of the two areas identified as Residential Market - Commercial. We advocate restricting lot coverage in the Residential Market commercial zone as a means of managing bulk and scale. This was the work assigned to the Planning Department by Ordinance in 1995 which, to date, has not been modified to the extent that it implements the Comp Plan.

We do object to the entire current planning effort. Several areas of the proposed change to non-conforming densities are very positive. For example, we are pleased to learn that staff recommends removing financial barriers that have kept some owners from repairing, remodeling, or replacing existing structures. There are several structures along Lake St. S./ Lake Washington Boulevard that have been rotting due to inability to work within the constraints that are in place. Also, previous interpretations of what was "repair" and what was "remodeling" were inconsistent. Removing the cost barrier in the new text should be positive for both property owners and the city. Improved properties bring higher tax dollars to Kirkland.

We are also pleased that the City planners have now recognized that where condominium ownership exists, it is not practical to require future development at reduced density. An example of this being that it would be impossible to determine which owners would get to keep their units and which would be displaced. Similarly, a requirement that some of the rebuilt units must be "affordable" would leave the homeowners associations in the helpless position of determining whose units were rebuilt as market rate units and who would reconstruct theirs as affordable dwellings.

However, on the other side of the equation, are those areas of the proposed zoning code changes that limit future development size, scale, etc. These do not appear to be the reason for the historical density restriction. The property owners question why remodel, or redevelopment, would be restricted to the 20%-30% lot coverage footprint that each currently occupies. Development standards currently in place allow a maximum of 60% lot coverage. Further exacerbating this problem for properties around the BN-Residential Market is that the commercial property has not yet had a reduced lot coverage implemented and can currently be built to 80% lot coverage (a four-fold difference in footprint and an even greater difference in overall volume/size of building). It bears repeating that they have been arguing that a "Very Small Building Center" cannot be achieved with 80% lot coverage and is not compatible or integrated into a neighborhood where the lot coverage maximum is 60%. You can imagine the further disparity if buildings are held to 20%-30% coverage as currently exists.

Another consideration is the combination or property aggregation of BN-Residential Market lots, which would further separate the look and feel and compatibility with surrounding RM properties which must keep their current footprints and are precluded from lot aggregation with their own lot line adjustments. The end result should not be even greater "monster buildings" in the Residential Markets properties, adjacent to the more highly restricted, much smaller, RM buildings.

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My clients have an additional concern about a newly proposed regulation which would suddenly require a minimum density for these properties alone. The proposal seems to be new to Kirkland and unique to these properties as it requires a floor of 75% of the existing number of units during any redevelopment. This restricts the choices available to property owners. For a building that was built with 24 dwelling units and now zoned for a maximum of 12 units, this would impose an artificial floor of 18 units, which is six units higher than the up to 12 units allowed under RM 3.6 zoning. It is anticipated that most would not want to reduce density, but there may be situations where 24 little rental apartments could be rebuilt as 12 or 14 nice apartments or condos. It is hard to predict the variability and seems a bit over-reaching in regulations if a rebuild has a minimum density as suggested.

My clients would encourage a more simplified non-conforming policy. It would allow for maintaining the non-conforming density no matter the repair, remodel or redevelopment. No increase in non-conforming density would be allowed except that a bonus would be allowed only if they were affordable units. Thus a non-conforming condominium of 24 units could become 27 units if the 3 additional helped the city meet its affordability targets.

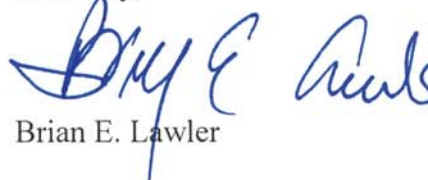
In summary, there is support for provisions that would allow buildings to be remodeled/repared with greater ease and that would protect individual condominium owners from having to "draw straws" to see who is compromised by Kirkland regulations.

There is opposition to restrictions on lot coverage and the idea of a minimum density percentage. Opposition is heightened where maintenance of current building footprint creates potential for greater size and scale difference between RM properties and whatever results in lot coverage for BN-Residential Market.

Our final inquiry and comment today relates to the sufficiency of legal notice of the proposed changes to Comp Plan and non-conforming densities. As these changes could have significant impact on some property owners, are we to assume that they have received meaningful notice that these amendments are being considered?

Thank you for your continued hard work to achieve zoning that implements the Residential Market - Commercial as approved by Ordinance in 1995 and on numerous occasions since. Additionally thank you for your careful consideration of the changes suggested for Non-conforming Densities.

Sincerely,



Brian E. Lawler

cc: L. Triplett, City Manager (Email Only)
R. Jenkinson, City Attorney (Email Only)

Joan Lieberman-Brill

From: Jeremy McMahan
Sent: Thursday, April 26, 2012 1:36 PM
To: Joan Lieberman-Brill; Paul Stewart
Subject: FW: Planning Commission Discussion - Nonconforming DENSITIES

-----Original Message-----

From: uwkkg@aol.com [<mailto:uwkkg@aol.com>]
 Sent: Thursday, April 26, 2012 9:58 AM
 To: Jay Arnold; Mike Miller; C Ray Allshouse; Andrew Held; Jon Pascal; Glenn Peterson; Byron Katsuyama; Eric Shields; Jeremy McMahan; Kurt Triplett; Janet Jonson; Robin Jenkinson
 Cc: uwkkg@aol.com; neighboringproperties@gmail.com
 Subject: Planning Commission Discussion - Nonconforming DENSITIES

Dear Commissioners:

For tonight's meeting, I write on behalf of many of us who currently have "non-conforming" density due to the 1977 downzone.

We appreciate the fact that you have been listening to our concerns about restrictions on ability to repair, remodel and the fact that sometimes it can be confusing as to what is a repair or remodel.

Removing these financial constraints altogether, as suggested, should be helpful to property owners and beneficial to overall better repair of buildings in the city (and more tax dollars) Win - Win - Win !!!

Similarly, it appears that you've heard the logical argument that where there are condos, it is impossible to assign certain owners to vacate their units or step forward and have their unit chosen as only rebuildable as "affordable" while others rebuild at market rate.

I would ask that you consider other provisions of the proposal that we contend need changing. The concern was density and not lot coverage (since almost all of the condominiums along LWB/Lake St are built at 20-30% lot coverage - less than half of the allowed 60%). Can anyone provide an explanation why future repairs/remodeling would need to remain at such a low lot coverage? Why couldn't folks decide to build something smaller... or bigger? Are we going to start telling all property owners that they cannot put additions onto their homes or rebuild their residence any bigger than what it is currently?

Also, if owners need to keep to the same building footprint, they are therefore not allowed any lot consolidation. I'm not sure if that is wanted or desired, but it is being argued against by citizens re: BN Residential Markets. We hope that you will not allow that for the BN-Res Mkt, but if you do, please don't restrict surrounding properties from being treated the same. Consolidation would never happen if units must keep their current (unconsolidated) footprint.

We are also concerned about something that could easily be overlooked.

It appears that a new policy is being introduced where any redevelopment could not be done unless it is at least 75% of the current density. Wow, this is getting confusing... Units built to a density of 24 are now under zoning that permits 1-12 dwellings per unit. Then you require a minimum of 18 dwellings per unit if rebuilt.

This conflicts with the density cap of 12 dwellings per acre. Also, some of the developments are very small units and would like to rebuild at a lower number and only slightly larger - that is their vision. Why do we all of a sudden put a density floor on just certain properties.

If we are going to do this, perhaps it should be city-wide. Moreover, it seems like an over-reaching regulation... to us.

Simple answer we think is that you let non-conforming densities exist and keep their density no matter the repair, rebuild or reconstruction but that the density couldn't become any MORE non-conforming. For the benefit of achieving the city's affordability target you might add in an incentive that additional density would only be allowed if it was all "affordable" at the rate of 10% of the units. We would suggest that you leave off the footprint requirement, the two walls that cannot ever be taken down (to foolishly ensure that it's a remodel and not a new building), and the floor density provisions.

Thanks for your past thoughtful consideration of costs to repair and condominium ownership. We truly appreciate your careful and deliberate work. We look forward to your deliberation on these other matters tonight - We are in your hands.

Thank you.

Karen Levenson

PROPOSED LANGUAGE FOR LAND USE PERMIT EXTENSIONS

KZC Chapter 113 - Cottage, Carriage and Two/Three Unit Homes

113.45 Review Process

1. Approval Process – Cottage Housing Development

~~c. Lapse of Approval~~

~~Unless otherwise specified in the decision granting Process I approval, the applicant must begin construction or submit to the City a complete building permit application for development of the subject property consistent with the Process I approval within one year after the final decision granting the Process I approval or that decision becomes void. The applicant must substantially complete construction consistent with the Process I approval and complete all conditions listed in the Process I approval decision within three years after the final decision on the Process I approval or the decision becomes void. "Final decision" means the final decision of the Planning Director.~~

~~d. Extensions~~

~~The applicant may apply for a one time extension, of up to one year, of the time limits under subsection (1)(c) of this section. The application for the extension must be submitted by letter prior to the expiration of the applicable time limit under subsection (1)(c) of this section. The letter of application must be submitted to the Planning Department and, along with any other supplemental documentation, must demonstrate that the applicant is making substantial progress toward developing the subject property consistent with the Process I approval and that circumstances beyond his/her control prevent compliance with the applicable time limit under subsection (1)(c) of this section.~~

2. Approval Process – Carriage Unit and Two/Three-Unit Home Development

~~c. The lapse of approval and extension provisions in subsections (1)(c) and (1)(d) of this section also apply to carriage unit and two/three-unit home development approved under either Process I or Process IIA.~~

KZC Chapter 117 - Personal Wireless Service Facilities

117.100 Lapse of Approval

For Planning Official decisions required by this chapter and issued on or before December 31, 2014, the applicant must begin construction or submit to the City a complete building permit application for the development activity or other actions approved under this chapter within seven (7) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 117.95, the running of the seven (7) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the development activity or other actions. For Planning Official decisions required by this chapter and issued on or after January 1, 2015, the applicant must begin construction or submit to the City a complete building permit application for the development activity or other actions approved under this chapter within

~~one (1) five (5) years~~ after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC [117.95](#), the running of the ~~one (1) five (5) years~~ is tolled for any period of time during which a court order in said judicial review proceeding prohibits the development activity or other actions.

(new paragraph break) For Planning Official decisions issued on or before December 31, 2014, the applicant must substantially complete construction for the development or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter or the decision becomes void. For Planning Official decisions issued on or after January 1, 2015, the applicant must substantially complete construction for the development or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within ~~two (2) seven (7) years~~ after the final approval on the matter, or the decision becomes void.

(new paragraph break) For development activity or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

Refer to the Lapse of Approval requirements for all other review processes required by this chapter.

KZC Chapter 125 - Planned Unit Development

125.80 Lapse of the Approved PUD

- ~~1. Increased Time — City Council may, by the ordinance approving the final PUD or by the resolution or ordinance approving the preliminary PUD, extend the time limits of KZC [152.115](#) for that PUD. Otherwise, within four years after the final decision of the City of Kirkland approving the preliminary PUD the applicant must have obtained approval of the final PUD and submitted a complete building permit for the PUD or the lapse provisions of KZC [152.115](#) will apply.~~
- ~~2. Effect on Land Use if PUD Lapses — If an approved PUD lapses under the time limits of KZC [152.115](#), or subsection (1) of this section, any development on the subject property must comply with all applicable laws of the City as if the PUD had not been granted.~~

KZC Chapter 142 – Design Review

142.55 Lapse of Approval for Design Review Board Decisions

- ~~1. General — Unless otherwise specified in the decision granting D.B.R. approval, the applicant must begin construction or submit to the City a complete building permit application for development of the subject property consistent with the D.B.R. approval within one (1) year after the final decision granting the D.B.R. approval or that decision becomes void. The applicant must substantially complete construction consistent with the D.R. approval and complete all conditions listed in the D.B.R. approval decision within three (3) years after the final decision on the D.B.R. approval or the decision becomes void. “Final decision” means the final decision of the Planning Official or Design Review Board.~~
- ~~2. Extensions~~

- a. ~~Application — The applicant may apply for a one-time extension, of up to one (1) year, of the time limits under subsection (1) of this section. The application for the extension must be submitted by letter prior to the expiration of the applicable time limit under subsection (1) of this section. The letter of application must be submitted to the Planning Department and, along with any other supplemental documentation, must demonstrate that the applicant is making substantial progress toward developing the subject property consistent with the D.B.R. approval and that circumstances beyond his/her control prevent compliance with the applicable time limit under subsection (1) of this section.~~
- b. ~~Fee — The applicant shall include with the letter of request the fee as established by ordinance.~~
- c. ~~Review Process — An application for a time extension will be reviewed by the Planning Official.~~

3. ~~Appeals~~

- a. ~~Who Can Appeal — Any person who is aggrieved by a time extension or denial of a time extension under this section may appeal that determination.~~
- b. ~~How To Appeal — The applicant must file a letter of appeal within 14 days of the approval or denial of the time extension indicating how the determination affects his/her property and presenting any relevant arguments or information on the correctness of the determination. The applicant shall include the appeal fee as established by ordinance.~~
- c. ~~Applicable Procedures — All appeals of decisions under this section will be reviewed and decided upon using Process IIA, described in Chapter [150](#) KZC.~~

For final approvals under this chapter issued on or before December 31, 2014, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within seven (7) years after the final approval of the City of Kirkland on the matter, or the decision becomes void. For final approvals under this chapter issued on or after January 1, 2015, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void.

For final approvals under this chapter issued on or before December 31, 2014, the applicant must substantially complete construction for the development activity, use of land or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter or the decision becomes void. For final approvals under this chapter issued on or after January 1, 2015, the applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within seven (7) years after the final approval on the matter, or the decision becomes void.

For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

KZC Chapter 145 – Process I

145.115 Lapse of Approval

For final approvals under this chapter issued on or before December 31, 2014, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within seven (7) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 145.110, the running of the seven (7) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. For final approval under this chapter issued on or after January 1, 2015, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within ~~four (4)~~ five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 145.110, the running of the ~~four (4)~~ five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions.

(new paragraph break) For final approvals under this chapter issued on or before December 31, 2014, the applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter, or the decision becomes void. For final approvals under this chapter issued on or after January 1, 2015, the applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within ~~six (6)~~ seven (7) years after the final approval on the matter, or the decision becomes void.

(new paragraph break) For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

KZC Chapter 150 – Process IIA

150.135 Lapse of Approval

For final approvals under this chapter issued on or before December 31, 2014, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within seven (7) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 150.130, the running of the seven (7) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. For final approval under this chapter issued on or after January 1, 2015, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within ~~four (4)~~ five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 150.130, the running of the ~~four (4)~~ five (5) years is tolled for any period of time during

which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions.

(new paragraph break) For final approvals under this chapter issued on or before December 31, 2014, the applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter, or the decision becomes void. For final approvals under this chapter issued on or after January 1, 2015, the applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within ~~six (6)~~ seven (7) years after the final approval on the matter, or the decision becomes void.

(new paragraph break) For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

KZC Chapter 152 - Process IIB

152.115 Lapse of Approval

For final approvals under this chapter issued on or before December 31, 2014, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within seven (7) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC [152.110](#), the running of the seven (7) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. For final approval under this chapter issued on or after January 1, 2015, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within ~~four (4)~~ five (5) after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC [152.110](#), the running of the ~~four (4)~~ five (5) is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions.

(new paragraph break) For final approvals under this chapter issued on or before December 31, 2014, the applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter, or the decision becomes void. For final approvals under this chapter issued on or after January 1, 2015, the applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within ~~six (6)~~ seven (7) years after the final approval on the matter, or the decision becomes void.

(new paragraph break) For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

KMC Title 22 Subdivisions

Chapter 22.16 Final Plat Procedure

22.16.010 Final Plat - Submittal – Time limits

A Final Plat shall be submitted to the City Council within seven (7) years of the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014, and within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015. Any Final Plat not submitted within the time limits set forth in RCW 58.17.140 shall be void.

22.16.130 Plat documents—Recordation with county—When.

After the plat documents are signed, they will be transmitted to the city clerk's office for recording with the appropriate offices in King County. Unless specifically extended in the decision on the plat, the plat must be submitted to the city for recording with King County within six (6) months ~~four years~~ of the date of approval of the preliminary plat or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the six (6) months ~~four years~~ is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat; ~~and provided further, that an approval which would otherwise become void after July 6, 1994, under a provision which is now being amended by the ordinance codified in this section, shall only become void if it would still do so under all amendments made by Ordinance 3421*.~~ (Ord. 3705 § 2 (part), 1999)

Code reviser's note: Ord. 3421* was repealed by Ord. 3433*.

Chapter 22.20 Short Subdivisions

22.20.370 Short plat documents—Recordation—Time limit.

After the short plat documents are signed, they will be transmitted to the city clerk's office for recording with the applicable office in King County. For short plats approved on or before December 31, 2014, the short plat must be recorded with King County within seven (7) years of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated, the running of the seven (7) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the short plat. For short plats approved on or after January 1, 2015, The short plat must be recorded with King County within four five (5) of the date of approval or the decision becomes void; provided, however, that, in the event judicial review is initiated, the running of the four five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the short plat; ~~and provided further, that an approval which would otherwise become void after July 6, 1994, under a provision which is now being amended by the ordinance codified in this section, shall only become void if it would still do so under all amendments made by Ordinance 3421*.~~ (Ord. 3705 § 2 (part), 1999)

Code reviser's note: Ord. 3421* was repealed by Ord. 3433*.

CHAPTER 117 AMENDMENT LANGUAGE FOR PUBLIC HEARING

Language without mark-ups at end of document

117.15 Definitions

3. "Approved ~~PWSF antenna or tower~~" shall mean any personal wireless service facility (PWSF) that has received all required permits ~~for the installation, maintenance, and reconfiguration of the facility.~~
8. ~~"Existing structure" shall mean, but is not limited to, any existing building, utility pole, water reservoir, other support structure, and structures accessory thereto.~~
13. ~~"Replacement structure shall mean a structure that replaces or is intended to replace an existing structure of a similar design and similar primary purpose, to enable the installation of or additional PWSF on that structure. If a "replacement structure" meets the definition of "tower," it shall be regulated as a new tower.~~

(Definitions to be renumbered accordingly.)

117.20 Applicability

1. ~~New Antennas and Towers PWSF~~ – All new antennas and towers PWSF shall comply with this chapter unless the applicant had a vested application to site said PWSF under a prior version of this chapter, or unless specifically exempted by KZC [117.25](#). See also 2.c. of this section.
2. ~~Approved Antennas and Towers PWSF~~ — Reconfiguration of or additions to an approved antenna or tower is permitted as noted in this chapter.
3. ~~Existing Antennas and Towers~~
 - a. ~~The usage of existing antennas and towers~~approved PWSF shall be allowed to continue as they exist as of the effective date of this chapter. Routine maintenance and repair and reconfiguration of PWSF shall be permitted on such existing antennas and towers, subject to the limitations below. Activity not included in routine maintenance and repair requires compliance with this chapter except as stated in 2.b and 2.c of this section.
 - b. ~~Any reconfiguration pursuant to subsection (3)(a) of this section that increases the height or number of antennas shall be treated and processed as a new facility. PWSF Existing antennas that conform to the provisions of this chapter may be replaced by new PWSF antennas, if such new PWSF antennas are approved as a minor modification pursuant to KZC [117.105](#). However, the replacement of an existing tower, whether that tower conforms or does not conform to the provisions of this chapter, shall be treated and processed as a new facility.~~
 - c. New antenna may be added to existing support structures that are appended to approved towers if such new antenna are approved as a minor modification pursuant to KZC [117.105](#).
 - d. ~~The replacement of existing antennas that do not conform to the provisions of this chapter shall be treated and processed as a new facility.~~
 - e. ~~The replacement of an existing tower, whether that tower conforms or does not conform to the provisions of this chapter, shall be treated and processed as a new facility.~~
4. ~~Equipment Structures~~
 - a. ~~The usage of existing equipment structures shall be allowed to continue as it exists as of the effective date of this chapter. Routine maintenance, reconfiguration of, or additions to equipment structures shall be permitted, subject to the limitations below.~~

- ~~b. Existing equipment structures may be replaced, and new equipment structures may be added to an approved antenna and/or tower; provided, that the new equipment structures conform with the provisions of this chapter, and are approved as a minor modification pursuant to KZC [117.105](#).~~
- ~~c. Reconfiguration or addition of equipment structures that increases the size of the equipment structure enclosure shall be treated and processed as a new facility.~~
- 3. Not Approved PWSF – Any PWSF for which there is no record of a permit must be removed or receive a permit to comply with this chapter.
- 4. Equipment Structures
 - ~~a. The usage of existing equipment structures shall be allowed to continue as it exists as of the effective date of this chapter. Routine maintenance, reconfiguration of, or additions to equipment structures shall be permitted, subject to the limitations below.~~
 - ~~b. Existing equipment structures may be replaced, and new equipment structures may be added to an approved antenna and/or tower; provided, that the new equipment structures conform with the provisions of this chapter, and are approved as a minor modification pursuant to KZC [117.105](#).~~
 - ~~c. Reconfiguration or addition of equipment structures that increases the size of the equipment structure enclosure shall be treated and processed as a new facility.~~
- 45. Other Wireless Communication Facilities – All of the provisions of this chapter, which address personal wireless services and PWSF, shall also be deemed to cover other wireless communications facilities (and, in particular, but without limitation, television, satellite radio, global positioning systems (GPS), and AM/FM radio towers not covered by KZC 115.60.c) to the maximum extent allowed by law.

117.80 Departures from Chapter Provisions

Provisions of this chapter shall not be subject to variances described in Chapter [120](#) KZC. However, through Process IIB, Chapter [152](#) KZC, the City may consider departures from chapter provisions for new PWSF, except for the following:

1. The 40-foot height limit for personal wireless service towers in residential zones; and/or
2. The 15-foot limit for antennas projecting above an existing or replacement utility pole or electrical distribution or transmission conductor in residential zones.

117.105 Complete Compliance Required

1. General – Except as specified in subsection (2) of this section, the applicant must comply with all aspects, including conditions and restrictions, of all prior approvals in order to do everything authorized by that approval.
2. Exception – Subsequent or Minor Modification – The Planning Official may approve a subsequent or minor modification to the permit ~~approved~~ for the PWSF if:
 - a. The modification is minor and will not substantially change the PWSF proposed facility; and
 - b. ~~The proposed modification will comply with the provisions of this chapter in effect at the time of the modification request; and~~ There will not be any substantial changes in the impacts on the neighborhood or the City as a result of the change.

Any modification, other than as specified in subsection (2) of this section, must be reviewed and decided upon as a new PWSF ~~approval~~ under this chapter.

Language for public hearing w/o mark-ups

117.15 Definitions

3. "Approved PWSF" shall mean any personal wireless service facility (PWSF) that has received all required permits.

117.20 Applicability

1. New PWSF – All new PWSF shall comply with this chapter unless the applicant had a vested application to site said PWSF under a prior version of this chapter, or unless specifically exempted by KZC [117.25](#). See also 2.c of this section.
2. Approved PWSF
 - a. The use of approved PWSF shall be allowed to continue. Routine maintenance and repair of PWSF shall be permitted. Activity not included in routine maintenance and repair requires compliance with this chapter except as stated in 2.b and 2.c of this section.
 - b. PWSF may be replaced by new PWSF if such new PWSF are approved as a minor modification pursuant to KZC [117.105](#). However, the replacement of an existing tower, whether that tower conforms or does not conform to the provisions of this chapter, shall be treated and processed as a new facility.
 - c. New antenna may be added to existing support structures that are appended to approved towers if such new antenna are approved as a minor modification pursuant to KZC [117.105](#).
3. Not Approved PWSF – Any PWSF for which there is no record of a permit must be removed or receive a permit to comply with this chapter.
4. Other Wireless Communication Facilities – All of the provisions of this chapter, which address personal wireless services and PWSF, shall also be deemed to cover other wireless communications facilities (and, in particular, but without limitation, television, satellite radio, global positioning systems (GPS), and AM/FM radio towers not covered by KZC 115.60.c) to the maximum extent allowed by law.

117.80 Departures from Chapter Provisions

Provisions of this chapter shall not be subject to variances described in Chapter [120](#) KZC. However, through Process IIB, Chapter [152](#) KZC, the City may consider departures from chapter provisions for new PWSF, except for the following:

1. The 40-foot height limit for personal wireless service towers in residential zones; and/or
2. The 15-foot limit for antennas projecting above an existing or replacement utility pole or electrical distribution or transmission conductor in residential zones.

117.105 Complete Compliance Required

1. General – Except as specified in subsection (2) of this section, the applicant must comply with all aspects, including conditions and restrictions, of all prior approvals in order to do everything authorized by that approval.
2. Exception – Subsequent or Minor Modification – The Planning Official may approve a subsequent or minor modification to the permit for the PWSF if:
 - a. The modification is minor and will not substantially change the PWSF; and
 - b. There will not be any substantial changes in the impacts on the neighborhood or the City as a result of the change.

Any modification, other than as specified in subsection (2) of this section, must be reviewed and decided upon as a new PWSF under this chapter.

**Proposed Language for Electronic Readerboards
KZC Use Zone Charts 15.10.030, 17.10.030, 18.10.030 and 56.20**

Electrical signs shall be permitted at Junior High/Middle Schools and High Schools. One pedestal sign with a readerboard having electronic programming is allowed per site only if:

- a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
- b. The electronic readerboard is no more than 50 percent of the sign area;
- c. Moving graphics and text or video are not part of the sign;
- d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
- e. The electronic readerboard displays messages regarding public service announcements or school events only;
- f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
- g. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m.;
- h. The school is located on a collector or arterial street.

The City shall review and approve the location of the sign on the site. The sign shall be located to have the least impact on surrounding residential properties. If it is determined that a proposed electronic readerboard would constitute a traffic hazard the Planning Director may impose restrictions or deny the readerboard.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
USE ↓ ↑	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.030	School or Day-Care Center	See Spec. Reg. 10.	As established on the Zoning Map. See Spec. Reg. 1.	If this use can accommodate 50 or more students or children, then: 50' 50' on each side 50'			70%	25' above average building elevation. See Spec. Reg. 12.	D	B See Spec. Reg. 8.	See KZC 105.25.	<div>1. Minimum lot size is as follows: a. In RS 35 zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 6.3 zones, the minimum lot size is 6,300 square feet. f. In RS 5.0 zones, the minimum lot size is 5,000 square feet. 2. May locate on the subject property only if: a. It will not be materially detrimental to the character of the neighborhood in which it is located. b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods. c. The property is served by a collector or arterial street (does not apply to existing school sites). 3. A six-foot-high fence along the side and rear property lines is required only along the property lines adjacent to the outside play areas. 4. Hours of operation and maximum number of attendees at one (1) time may be limited to reduce impacts on nearby residential uses. 5. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 6. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Car-pooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 8. Electrical signs shall not be permitted. 9. May include accessory living facilities for staff persons. 10. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC; provided, however, that within the jurisdiction of the Houghton Municipal Corporation, the required review process is Process IIB, Chapter 152 KZC.</div>

Replace language in #8 with proposed language

Replace language in #8 with proposed language

Section 17.10	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.030	School or Day-Care Center (continued)										<div>REGULATIONS CONTINUED FROM PREVIOUS PAGE</div> <div><div>3. May locate on the subject property only if:<div><div>a. It will not be materially detrimental to the character of the neighborhood in which it is located; or</div><div>b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.</div><div>c. The property is served by a collector or arterial street.</div></div></div><div>4. A six-foot-high fence along the side and rear property lines is required only along the property lines adjacent to the outside play areas.</div><div>5. Hours of operation and maximum number of attendees at one time may be limited to reduce impacts on nearby residential uses.</div><div>6. Structured play areas must be setback from all property lines as follows:<div><div>a. 20 feet if this use can accommodate 50 or more students or children.</div><div>b. 10 feet if this use can accommodate 13 to 49 students or children.</div></div></div><div>7. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses.</div><div>8. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</div><div>9. Electrical signs shall not be permitted except at Lake Washington and Juanita High Schools. One pedestal sign with a readerboard having electronic programming is allowed at each high school only if:<div><div>a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;</div><div>b. The electronic readerboard is no more than 50 percent of the sign area;</div><div>c. Moving graphics and text or video are not part of the sign;</div><div>d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;</div><div>e. The electronic readerboard displays messages regarding public service announcements or school events only;</div><div>f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;</div></div></div><div>REGULATIONS CONTINUED ON NEXT PAGE</div></div>	

Replace language
in #9 with proposed
language

Section 18.10	<div>USE</div> <div>↓</div> <div>REGULATIONS</div> <div>↑</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.030	School or Day-Care Center (continued)	<div>Replace language in #13 with proposed language</div>									REGULATIONS CONTINUED FROM PREVIOUS PAGE	
											<div>8. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses.</div> <div>9. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</div> <div>10. For school use, structure height may be increased, up to 35 feet, if:<div>a. The school can accommodate 200 or more students; and</div><div>b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and</div><div>c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan.</div><div>d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.</div></div> <div>11. May include accessory living facilities for staff persons.</div> <div>12. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</div> <div>13. Electrical signs shall not be permitted.</div>	
.040	Mini-School or Mini-Day-Care Center See Spec. Regs. 1 and 2.	Process I, Chapter 145 KZC.	As established on the Zoning Map. See Spec. Reg. 3.	20'	5' but 2 side yards must equal at least 15'.	10'	50%, except 30% for RSA 1 zone. See Gen. Reg. 3. See Gen. Reg. 4 for Holmes Point overlay zone.	30' above average building elevation.	E See Gen. Regs. 3 and 4.	B See Spec. Reg. 9.	See KZC 105.25.	<div>1. May locate on the subject property if:<div>a. It will not be materially detrimental to the character of the neighborhood in which it is located.</div><div>b. Site design must minimize adverse impacts on surrounding residential neighborhoods.</div></div> <div>2. This use is not permitted on properties within the jurisdiction of the Shoreline Management Act. See Chapter 83 KZC.</div> <div>3. Minimum lot size is as follows:<div>a. In RSA 1 zone, newly platted lots shall be clustered and configured in a manner to provide generally equal sized lots outside of the required open space area.</div><div>b. In RSA 4 zones, the minimum lot size is 7,600 square feet.</div><div>c. In RSA 6 zones, the minimum lot size is 5,100 square feet.</div><div>d. In RSA 8 zones, the minimum lot size is 3,800 square feet.</div></div> <div>REGULATIONS CONTINUED ON NEXT PAGE</div>

Replace language
in #13 with
proposed language

Chapter 5 – DEFINITIONS

5.10 Definitions

5.10.042 Athletic Instructional Facility – ~~An establishment related to recreational activities that provide instructional classes in gymnastics, swimming and dance, exclusive of athletic clubs or fitness clubs.~~

5.10. 140 Commercial Recreation Area and Use - ~~An area and use operated for profit, with private facilities, equipment and services for recreational purposes. A commercial recreational facility, including swimming pools, tennis courts, playgrounds facilities and/or other similar uses. The use of such an area may be limited to private membership or may be open to the public upon the payment of a fee.~~

5.10.153: Community Facility - A use which serves the public and is generally of a public service, noncommercial nature. ~~Such as use shall include food banks, clothing banks, and other nonprofit social service organizations; nonprofit recreational facilities; and nonprofit performing arts centers.~~

5.10.279 Entertainment, Cultural and/or Recreational Facility – A facility providing entertainment, cultural and/or recreational services, including but not limited to: theaters, performing arts centers, museums, bowling alleys, swimming pools, tennis courts, play facilities, dance studios and physical fitness facilities.

Section 45.10	<div>USE</div> <div>↓</div> <div>REGULATIONS</div> <div>↓</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.080	Hotel or Motel	None	None	BC: 20'	0'	0'	80%	See Gen. Regs. 5 and 6.	B	E	1 per each room. See also Spec. Reg. 2.	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.090	A Retail Establishment providing entertainment, recreational or cultural activities			BC 1 and BC 2: 10'	See Gen. Regs. 4 and 5.	See Gen. Regs. 4 and 5.					1 per every 4 fixed seats.	
.100	Private Lodge or Club											
.110	Stacked Dwelling Unit. See Special Regulation 1.			900 square feet per unit in BC 1 and BC 2, otherwise none.	Same as the regulations for the ground floor use. See Spec. Reg. 1.						A	1.7 per unit.
.120	Church		None	BC: 20'	0'	0'	80%	See Gen. Regs. 5 and 6.	C	B	1 for every four people based on maximum occupancy load of any area of worship. See also Special Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use.

Entertainment,
Cultural and/or
Recreational
Facility

Section 47.10	<div>USE</div> <div>↓</div> <div>REGULATIONS</div> <div>↑</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.070	Office Use	None	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	<div>1. The following regulations apply to veterinary offices only:<div><div>a. May only treat small animals on the subject property.</div><div>b. Outside runs and other outside facilities for the animals are not permitted.</div><div>c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application.</div></div></div> <div>2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:<div><div>a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</div><div>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</div></div></div>
.080	Hotel or Motel								B	E	1 per each room. See also Spec. Reg. 2.	<div>1. May include ancillary meeting and convention facilities.</div> <div>2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.</div>
.090	A Retail Establishment providing entertainment, recreational or cultural activities										1 per every 4 fixed seats.	
.100	Private Lodge or Club								C	B	1 per each 300 sq. ft. of gross floor area.	
.110	Stacked Dwelling Unit. See Special Regulation 1.			Same as the regulations for the ground floor use. See Spec. Reg. 1.						A	1.7 per unit.	<div>1. This use, with the exception of a lobby, may not be located on the ground floor of a structure.</div> <div>2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</div>

Entertainment,
Cultural and/or
Recreational
Facility

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 40.10	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Retail Establishment selling groceries and related items	None	None	BN zone: 20'	10' on each side	10'	80%	If adjoining a low density zone other than RSX or RSA, then 25' above average building elevation. Otherwise, for BN zone, 30' above average building elevation and for BNA zone, 35' above average building elevation.	B	D	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none">Except for retail establishments selling groceries and related items in the BNA zone, gross floor area for this use may not exceed 10,000 square feet.Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.A delicatessen, bakery, or other similar use may include, as part of this use, accessory seating if:<ol style="list-style-type: none">The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of this use; andIt can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.
.020	Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art			BNA zone: 10'								
.030	Retail Variety or Department Store											
.040	Retail Establishment providing banking and related financial services											
.050	Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services											
.055	Retail Establishment providing entertainment, recreational or cultural activities See Spec. Reg. 5.										1 per every 4 fixed seats.	<ol style="list-style-type: none">For restaurants with drive-in or drive-through facilities, one outdoor waste receptacle shall be provided for every eight parking stalls.Retail Establishment providing entertainment, recreational or cultural activities only allowed in BNA zone. <div>Entertainment, Cultural and/or Recreational</div>
.060	Restaurant or Tavern										1 per each 100 sq. ft. of gross floor area.	

Entertainment,
Cultural and/or
Recreational
Facility

Entertainment,
Cultural and/or
Recreational
Facilities are

Section 52.12

Zone
JBD-1

USE ZONE CHART

Section 52.12	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.060	A Retail Establishment providing entertainment, recreational, or cultural activities	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	30' above average building elevation.	D	E	See KZC 105.25.	
.070	A Retail Establishment other than those specifically listed in this zone, selling goods or providing services, including banking and related financial services. See Spec. Regs. 1 and 4.								D See Spec. Reg. 3.	1 per each 300 sq ft. of gross floor area.	<div>1. The following uses are not permitted in this zone:<div><div>a. Retail establishments providing storage services unless accessory to another permitted use.</div><div>b. Automobile sales and/or rental facilities.</div><div>c. Outdoor storage of bulk commodities, except in the following circumstances:<div><div>1) If the square footage of the storage area is less than 20 percent of the total square footage of the retail structure, or;</div><div>2) If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers.</div></div></div><div>d. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses.</div></div><div>2. Drive-in and drive-through facilities are permitted only if these facilities do not compromise the pedestrian orientation of the development. The location and specific design of the facilities required Planning Official approval.</div><div>3. Landscape Category B will be required if the use includes drive-through facilities.</div><div>4. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:<div><div>a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises.</div><div>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</div></div></div></div>	

Entertainment,
Cultural and/or
Recreational
Facility

Section 52.17	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)		
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure	
				Front	Side	Rear							
.010	Vehicle Service Station See Spec. Reg. 1.	D.R., Chapter 142 KZC.	22,500 sq. ft.	0'	0'	0'	80%	26' above average building elevation.	A	E	See KZC 105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands must be setback at least 20 feet from all property lines. Canopies and covers over gas pump islands may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.	
.020	Automotive Service Center See Spec. Reg. 1.		None	0'	0'	0'					1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 3.	1. This use specifically excludes new or used automobile sales or rentals. 2. No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of the building adjoining a residential use. Windows are permitted if they are triple-paned and unable to be opened. 3. Ten percent of the required parking spaces on site must have a minimum dimension of 10-feet wide by 30-feet long for motor home/travel trailer use. 4. Storage of used parts and tires must be conducted entirely within an enclosed structure. Outdoor vehicle parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations. 5. Prior to occupancy of the structure, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining to any residential use complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.	
.030	Retail Establishment providing boat sales, service, or repair. See Spec. Reg. 1.										See KZC 105.25.	1. Boat rental and used boat sales are allowed as part of this use. 2. Storage of parts must be conducted entirely within an enclosed structure. 3. Outdoor boat parking and storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.	
.040	Restaurant or Tavern										D	1 per each 100 sq. ft. of gross floor area.	1. For restaurants with drive-in or drive-through facilities: a. One outdoor waste receptacle shall be provided for every eight parking stalls. b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. c. Landscape Category B shall apply.
.060	A Retail Establishment providing entertainment, recreational, or cultural activities												
<div>Entertainment, Cultural and/or</div>													

Entertainment,
Cultural and/or
Recreational
Facility

Section 52.27	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Retail Establishment providing boat sales, service, or repair. See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	26' above average building elevation.	A	E	See KZC 105.25.	1. Boat rental and used boat sales are allowed as part of this use. 2. Storage of parts must be conducted entirely within an enclosed structure. 3. Outdoor boat parking and storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.
.020	Restaurant or Tavern								C		1 per each 100 sq. ft. of gross floor area.	1. Drive-in or drive-through facilities are prohibited.
.040	A Retail Establishment providing entertainment, recreational, or cultural activities										See KZC 105.25.	

Entertainment,
Cultural and/or
Recreational
Facility

Section 52.27


 Zone
JBD-4

USE ZONE CHART

Section 52.27	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.050	A retail establishment other than those specifically listed in this zone, selling goods or providing services including banking and related financial services. See Special Regulation 1.	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	26' above average building elevation.	C	E	1 per each 300 sq ft. of gross floor area.	<div>1. The following uses are not permitted in this zone:<div><div>a. Retail establishments providing storage services unless accessory to another permitted use.</div><div>b. Automobile sales and/or rental facilities.</div><div>c. Automobile service station or center.</div><div>d. Outdoor storage of bulk commodities, except in the following circumstances:<div><div>1) If the square footage of the storage area is less than 20 percent of the total square footage of the retail structure, or;</div><div>2) If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers.</div></div></div><div>e. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses.</div></div></div> <div>2. Drive-through facilities are prohibited.</div> <div>3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:<div><div>a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises.</div><div>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</div></div></div>

Section 52.32	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Retail Establishment providing boat sales, service, or repair. See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	26' above average building elevation.	A	E	See KZC 105.25.	1. Boat rental and used boat sales are allowed as part of this use. 2. Gross floor area for this use may not exceed 10,000 square feet. 3. Storage of parts must be conducted entirely within an enclosed structure. 4. Outdoor boat parking and storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.
.020	Restaurant or Tavern								C		1 per each 100 sq. ft. of gross floor area.	1. Gross floor area for this use may not exceed 10,000 square feet. 2. Drive-in or drive-through facilities are prohibited.
.040	A Retail Establishment providing entertainment, recreational, or cultural activities										See KZC 105.25.	1. Gross floor area for this use may not exceed 10,000 square feet.

Entertainment,
Cultural and/or
Recreational
Facility

Section 52.42	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Restaurant or Tavern. See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	26' above average building elevation.	C	E	1 per each 100 sq. ft. of gross floor area.	1. This use is not allowed east of NE 120th Place. 2. Gross floor area for this use may not exceed 10,000 square feet. 3. Drive-in or drive-through facilities are prohibited.
.030	A Retail Establishment providing entertainment, recreational, or cultural activities. See Spec. Reg. 1.										See KZC 105.25.	1. This use is not allowed east of NE 120th Place. 2. Gross floor area for this use may not exceed 10,000 square feet.

Entertainment,
Cultural and/or
Recreational
Facility

SECTION 48.15 LIT ZONE USE ZONE CHART

(Add new use listing - Entertainment, Cultural and / or Recreational Facility)

New Section: 48.15. 220

Use Regulation: Entertainment, Cultural and / or Recreational Facility

Required Review Process: Within the NE 85th Street Subarea, D.R., Chapter 142 KZC.
Otherwise, none.

Lot Size: None

Required Yards:

Front 20

Side 0

Rear 0

Lot Coverage: 80%

Height of Structure: If adjoining a low density zone other than RSX, then 25' above average Building elevation (does not apply to institutional uses in low density zones).
Otherwise, 35' above average

Landscape Category: B

Sign Category: E

Required Parking Spaces: See KZC 105.25

Special Regulations: None

Section 60.132

Zone
PLA9

USE ZONE CHART

Section 60.132	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)	Lot Coverage	Height of Structure						
				Front	Side	Rear						
.050	<div>Recreation establishments providing one or more of the following activities: 1. golf 2. swimming 3. tennis or other racquet sports 4. handball 5. jogging or other exercise 6. field sports 7. health club or spa facilities.</div>	Process IIB, Chapter 152 KZC.	7,200 sq. ft.	20'	10' on each side	10'	60%	25' above average building elevation.	B	D	See KZC 105.25.	<div>1. Hours of operation may be limited to reduce impact on residential areas. 2. The area covered by structures, parking, buffers, and other elements of this use may not be used in calculating residential density in the development. 3. The following accessory components are permitted as part of this use: a. Retail sales and rental of sports equipment for activity conducted on the subject property. b. A restaurant encompassing not more than 20 percent of the gross floor area of this use.</div>
.060	Church	Process IIA, Chapter 150 KZC.			20' on each side	20'	70%		C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	<div>1. No parking is required for day-care or school ancillary to this use.</div>

Entertainment,
Cultural and/or
Recreational
Facility

Section 53.06

Zone
RH 1A

USE ZONE CHART

Section 53.06	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.050	Office Use	D.R., Chapter 142 KZC.	None	10'	0'	0'	80%	67' above average building elevation.	C	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.060	Hotel or Motel								B	E	1 per each room. See also Spec. Reg. 2.	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirements for these ancillary uses shall be determined on a case-by-case basis.
.070	A-Retail Establishment providing entertainment, recreational or cultural activities										See KZC 105.25.	
.080	Attached or Stacked Dwelling Unit								D	A	1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 2. At least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.
.090	Private Lodge or Club								C	B	1 per each 300 sq. ft. of gross floor area.	

Entertainment,
Cultural and/or
Recreational
Facility

Section 53.24

Zone
RH 2A, 2B,
2C

USE ZONE CHART

Section 53.24	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Vehicle Service Station See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	22,500 sq. ft.	20' See Spec. Reg. 2.	0' See Spec. Reg. 2.	0' See Spec. Reg. 2.	80%	35' above average building elevation.	A	E	See KZC 105.25.	1. This use is permitted only in RH 2A. 2. Gas pump islands must be set back a minimum of 20 feet from all property lines. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. 3. See KZC 95.40 through 95.45, required landscaping, for further regulations.
.020	Automotive Service Center See Spec. Reg. 1.		None	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	In RH 2A and RH 2B: 80% In RH 2C: 70%	In RH 2B: 55' above average building elevation. In RH 2A: 67' above average building elevation.			1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 2.	1. This use is permitted only in RH 2A. 2. Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/ travel trailer use. 3. Parts and tires must be stored entirely within an enclosed structure. 4. Outdoor vehicle parking or storage must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.
.030	Restaurant or Tavern										1 per each 100 sq. ft. of gross floor area.	1. This use is permitted in RH 2B only if developed in conjunction with the RH 2A zone. 2. This use is not permitted in RH 2C. 3. For restaurants with drive-in or drive-through facilities: a. One outdoor waste receptacle shall be provided for every eight parking stalls. b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
.040	A Retail Establishment providing entertainment, recreational or cultural activities										See KZC 105.25.	1. This use is permitted in RH 2B only if developed in conjunction with the RH 2A zone. 2. This use is not permitted in RH 2C.

Entertainment,
Cultural and/or
Recreational
Facility

Section 53.34	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.050	Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services. (continued)										REGULATIONS CONTINUED FROM PREVIOUS PAGE	
.060	Hotel or Motel	D.R., Chapter 142 KZC.	Less than 6 acres.	10'	0'	0'	80%	35' above average building elevation.	B	E	1 per each room. See also Spec. Reg. 2.	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.070	A Retail Establishment providing entertainment, recreational or cultural activities										See KZC 105.25.	

Entertainment,
Cultural and/or
Recreational
Facility

Section 53.54

Zone
RH 5A,
5B

USE ZONE CHART

Section 53.54	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Vehicle Service Station See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	22,500 sq. ft.	20' See Spec. Reg. 4.	15' See Spec. Reg. 4.	15' See Spec. Reg. 4.	80%	If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation.	A	E	See KZC 105.25.	1. This use is permitted only if the subject property abuts NE 85th Street. 2. This use is not permitted in the RH 5B zone. 3. May not be more than two vehicle service stations at any intersection. 4. Gas pump islands must be set back at least 20 feet from all property lines. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. 5. See KZC 95.40 through 95.45, required landscaping, for further regulations.
.020	Automotive Service Center See Spec. Reg. 1.		None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'					1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 4.	1. This use is not permitted in the RH 5B zone. 2. This use specifically excludes a retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, and similar vehicles. 3. No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of a building adjoining any residential zone. Windows are permitted if they are triple-paned and unable to be opened. 4. Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use. 5. Parts and tires must be stored entirely within an enclosed structure. 6. Outdoor vehicle parking or storage must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.
.030	A Retail Establishment providing entertainment, recreational or cultural activities										See KZC 105.25.	
.040	Restaurant or Tavern See Spec. Regs. 1 and 2.										1 per each 100 sq. ft. of gross floor area.	1. Taverns and restaurants with drive-in or drive-through facilities are not permitted uses in an RH 5B zone. 2. For restaurants with drive-in or drive-through facilities: a. One outdoor waste receptacle shall be provided for every eight parking stalls. b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

Entertainment,
Cultural and/or
Recreational
Facility

Section 53.74	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.030	Office Use	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	80%	30' above average building elevation.	A	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.040	Hotel or Motel									E	1 per each room. See also Spec. Reg. 2.	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.050	A Retail Establishment providing entertainment, recreational or cultural activities										See KZC 105.25.	
.060	Private Lodge or Club									B	1 per each 300 sq. ft. of gross floor area.	
.070	Attached or Stacked Dwelling Units									A	1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Entertainment,
Cultural and/or
Recreational
Facility

Section 53.84

Zone
RH 8

USE ZONE CHART

Section 53.84	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Office Use	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	70%	30' above average building elevation. See Gen. Regs. 2 and 3.	A	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.020	Restaurant									E	1 per each 100 sq. ft. of gross floor area.	1. May not be located above the ground floor of a structure. 2. Gross floor area for each individual use may not exceed 4,000 sq. ft.
.030	A Retail Establishment providing entertainment, recreational or cultural activities										See KZC 105.25.	1. Gross floor area for each individual use may not exceed 4,000 sq. ft.
.040	Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services.									D	1 per each 300 sq. ft. of gross floor area.	1. The following uses are not permitted in this zone: a. Vehicle service stations. b. Automotive service centers. c. Uses with drive-in facilities or drive-through facilities. d. Retail establishments providing storage services unless accessory to another permitted use. e. A retail establishment involving the sale, service or rental of motor vehicles, sailboats, motor boats, recreation trailers, heavy equipment and similar vehicles; provided, that motorcycle sales, service or rental is permitted if conducted indoors. f. Storage and operation of heavy equipment, except delivery vehicles associated with retail uses. g. Storage of parts unless conducted entirely within an enclosed structure.
REGULATIONS CONTINUED ON NEXT PAGE												

Entertainment,
Cultural and/or
Recreational
Facility

REGULATIONS CONTINUED ON NEXT PAGE

Section 55.21

Zone
TL 2

USE ZONE CHART

Section 55.21	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.020	Any Retail Establishment, Other than Those Specifically Listed in this Zone, Selling Goods or Providing Services Including Banking and Other Financial Services	D.R., Chapter 142 KZC.	Less than 1.5 acres.	0'	0'	0'	80%	30' above average building elevation.	D See Spec. Reg. 5.	E	1 per 300.	<div>1. Must be developed to be compatible with the approved Conceptual Master Plan for adjacent properties, with respect to signs, parking and pedestrian and vehicular access.</div> <div>2. Any vehicle service or repair activity must be entirely contained within an enclosed structure, and the orientation of the use and activity must be away from pedestrian circulation routes and spaces.</div> <div>3. Vehicle sales are permitted only if the vehicles are displayed in an indoor showroom, and the showroom does not occupy more than 10,000 square feet.</div> <div>4. Location of drive-through facilities must not compromise the pedestrian orientation of the development. The location and specific design of the facilities requires Planning Official approval.</div> <div>5. Landscape Category B will be required if the use includes drive-through facilities.</div> <div>6. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:<div><div>a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises.</div><div>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</div></div></div> <div>7. The following uses are not permitted in this zone:<div><div>a. Retail establishments providing storage services unless accessory to another permitted use.</div><div>b. Outdoor storage of bulk commodities, except in the following circumstances:<div><div>1) If the square footage of the storage area is less than five percent of the total square footage of the retail structure; or</div><div>2) If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers.</div></div></div><div>c. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses.</div></div></div>
.030	Restaurant or Tavern									1 per 100.		
.040	A Retail Establishment Providing Entertainment, Recreational, or Cultural Activities									See KZC 105.25.		

Entertainment, Cultural and/or Recreational Facility

Entertainment,
Cultural and/or
Recreational
Facility

Section 55.33	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.080	A Retail Establishment providing entertainment, recreational or cultural activities	D.R., Chapter 142 KZC	None	20'	0'	0'	80%	35' above average building elevation.	B	E	1 per every 4 fixed seats.	
.090	Private Lodge or Club								C	B	1 per each 300 sq. ft. of gross floor area.	
.100	Development containing attached or stacked dwelling units and offices, restaurants or taverns, or retail uses allowed in this zone.			Same as the regulations for the ground floor use. See Spec. Reg. 1.				TL 4A and TL 4B: 65' above average building elevation. See Spec. Reg. 5. TL 4C: 45' above average building elevation. See Spec. Reg. 5.	D	E	See KZC 105.25.	1. A veterinary office is not permitted in any development containing dwelling units. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. No more than 10 percent of the ground floor of a structure may contain residential use. 4. At least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. 5. The equivalent of the additional gross floor area constructed above 35 feet over ABE must be dedicated to residential use. Residential use may be located anywhere in the building above the ground floor. 6. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.110	Church			20'	0'	0'	80%	35' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See also Spec. Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use.

Entertainment,
Cultural and/or
Recreational
Facility

Section 55.39

Zone
TL 5

USE ZONE CHART



Section 55.39	USE ↓ REGULATIONS →	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.090	A-Retail Establishment providing entertainment, recreational or cultural activities	D.R., Chapter 142 KZC.	None	10'	0'	0'	80%	35' above average building elevation. See General Regulation 3.	B	E	1 per every 4 fixed seats.	
.100	Private Lodge or Club								C	B	1 per each 300 sq. ft. of gross floor area.	
.110	Attached or Stacked Dwelling Unit See Spec. Reg. 1.			See Spec. Regs. 1 and 2.						A	1.7 per unit.	1. No more than 10 percent of the ground floor of a structure may contain residential use. 2. At least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. 3. At least two stories of the building must be dedicated to residential use. 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.120	Church			10'	0'	0'	80%	35' above average building elevation. See Gen. Reg. 3.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See also Special Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use.

Entertainment,
Cultural and/or
Recreational
Facility

Section 55.45

Zone
TL 6A,
6B

USE ZONE CHART

Section 55.45	USE  REGULATIONS 	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Office Use	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	35' above average building elevation.	C	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an acoustical engineer, must be submitted with the development permit application. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.070	Hotel or Motel								B	E	1 per each room. See also Spec. Reg. 2.	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.080	A Retail Establishment providing entertainment, recreational or cultural activities										1 per every 4 fixed seats.	
.090	Private Lodge or Club								C	B	1 per each 300 sq. ft. of gross floor area.	

Entertainment,
Cultural and/or
Recreational
Facility

Section 55.51	USE ↓ REGULATIONS →	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.130	A Retail, Variety or Department Store	D.R., Chapter 142 KZC. See Gen. Reg. 2.	None	20'	0'	0'	80%	35' above average building elevation.	B	E	1 per each 300 sq. ft. of gross floor area.	1. This use must contain at least 75,000 square feet of gross floor area. 2. Outdoor storage for this use must be buffered as established in Chapter 95 for Landscaping Category A. 3. A delicatessen, bakery, or other similar use may include, as part of this use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. 4. No drive-through or drive-in facilities are permitted.
.140	A multi-use complex or mixed use building containing 7 or more restaurants, taverns, retail establishments, or churches										See KZC 105.25.	1. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A. 2. No drive-through or drive-in facilities are permitted. 3. A delicatessen, bakery, or other similar use may include, as part of this use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. 4. Ancillary assembly and manufactured goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 5. Churches are limited to no more than 15 percent of the gross floor area of the complex.
.150	Athletic Instructional Facility											
.160	Hotel or Motel										1 per each room. See Spec. Reg. 2.	1. May include meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for those ancillary uses shall be determined on a case-by-case basis.

Entertainment,
Cultural and/or
Recreational
Facility



Section 55.57	USE ↓ REGULATIONS →	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Hotel or Motel See Gen. Reg. 2.	D.R., Chapter 142 KZC. See Gen. Reg. 8.	None	10'	5' each side	10'	70%	35' above average building elevation.	B	E	See KZC 105.25.	1. The following uses are not allowed: The sale, service, and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers, vehicle service station, and storage services; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. 2. Ancillary assembly and manufactured goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent on this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 3. Outdoor storage and drive-in or drive-through facilities are not permitted.
.020	A Retail Establishment providing entertainment or recreational activity											
.030	Athletic, Exercise, or Health Club/Facility											
.040	Any Retail Establishment, other than those specifically listed in this zone, selling goods or providing services, including banking and related financial services. See Spec. Reg. 1.											
.050	Restaurant or Tavern											

Entertainment,
Cultural and/or
Recreational
Facility

Section 55.81

Zone
TL 10C

USE ZONE CHART



Section 55.81	USE  REGULATIONS 	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.140	Restaurant or Tavern See Spec. Reg. 1.	D.R., Chapter 142 KZC	None	20'	0'	0'	80%	Where adjoining a low density zone, then 30' above average building elevation. Otherwise 35' above average building elevation.	B	E	1 per each 100 sq. ft. of gross floor area.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. It is not located in a separate structure from the primary use; c. The use is integrated into the design of the building; d. There is no vehicle drive-in or drive-through.
.150	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										
.160	Commercial Recreation Area and Use	D.R., Chapter 142 KZC	None	20'	0'	0'	80%	Where adjoining a low density zone, 30' above average building elevation. Otherwise 35' above average building elevation.	A	E	See KZC 105.25.	1. The use is permitted only if the property is located between NE 107th Street (extended) and NE 116th Street; and between I-405 and 116th Avenue NE. 2. The use shall be conducted within a wholly enclosed building. 3. The structure containing the use shall have been in existence on June 1, 2004, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. 4. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space.

Entertainment,
Cultural and/or
Recreational
Facility

Section 55.87

Zone
TL 10D

USE ZONE CHART



Section 55.87	USE  REGULATIONS 	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Front	Side	Rear	Lot Coverage	Height of Structure				
.150	Commercial Recreation Area and Use	D.R., Chapter 142 KZC	None	20'	0'	0'	80%	Where adjoining a low density zone, 30' above average building elevation. Otherwise, 35' above average building elevation.	A	E	See KZC 105.25.	1. The use is permitted only if the property is located between NE 107th Street (extended) and NE 116th Street; and between I-405 and 116th Avenue NE. 2. The use shall be conducted within a wholly enclosed building. 3. The structure containing the use shall have been in existence on June 1, 2004, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. 4. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space.
.160	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

Entertainment,
Cultural and/or
Recreational
Facility

Section 55.93

Zone
TL 10E

USE ZONE CHART

Section 55.93	USE  REGULATIONS 	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARD (See Ch. 115)	Lot Coverage	Height of Structure						
				Front	Side	Rear						
.130	Commercial Recreation Area and Use	D.R., Chapter 142 KZC	None	20'	0'	0'	80%	Where adjoining a low density zone, 30' above average building elevation. Otherwise, 35' above average building elevation.	A	E	See KZC 105.25.	1. The use is permitted only if the property is located between NE 107th Street (extended) and NE 116th Street; and between I-405 and 116th Avenue NE. 2. The use shall be conducted within a wholly enclosed building. 3. The structure containing the use shall have been in existence on June 1, 2004, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. 4. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space.
.140	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

Entertainment,
Cultural and/or
Recreational
Facility

Chapter 90 – DRAINAGE BASINS

Sections:

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- [90.05](#) User Guide
- [90.10](#) Purpose
- [90.15](#) Applicability
- [90.20](#) General Exceptions
- [90.25](#) Sensitive Areas Maps and Other Resources
- [90.30](#) Definitions

Wetlands

- [90.35](#) Wetland Determinations, Delineations, Regulations, Criteria, and Procedures
- [90.40](#) Wetland Determinations
- [90.45](#) Wetland Buffers and Setbacks
- [90.50](#) Wetland Buffer Fence or Barrier
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- [90.60](#) Wetland Buffer Modification
- [90.65](#) Wetland Restoration
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- [90.105](#) Stream Relocation or Modification
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General

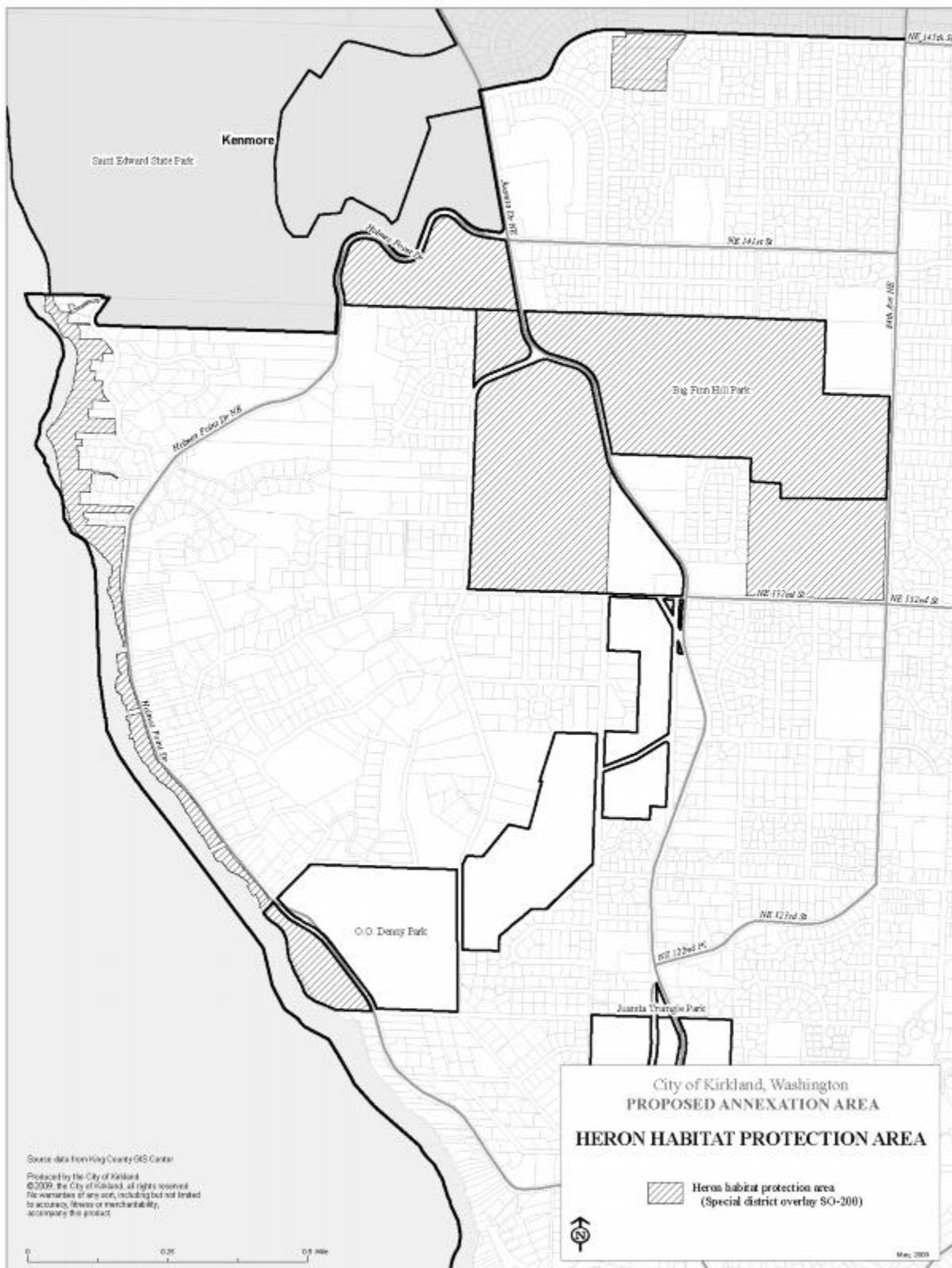
- [90.125](#) Frequently Flooded Areas
- ~~[90.127](#) Heron Habitat Protection Areas~~
- [90.130](#) Site Requirements and Sensitive Areas Protection Techniques
- [90.135](#) Maximum Development Potential
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- [90.145](#) Bond or Performance Security
- [90.150](#) Dedication
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90.127 Heron Habitat Protection Areas

- ~~1. Purpose of the Heron Habitat Protection Area — The purpose of the heron habitat protection area designation is to identify and protect areas that provide essential feeding, nesting and roosting habitat for identified great blue heron rookeries. The protection areas contain isolated areas of known heron habitat in the general region surrounding the heron rookery.~~
- ~~2. The following development standards shall be applied in addition to all applicable buffers and required yards development permits located within a heron habitat protection area designated in Plate 39:~~
 - ~~a. Subdivisions and short subdivisions adjacent to streams or wetlands within the heron habitat protection area shall provide buffers that are 50 feet greater than required pursuant to this chapter along those streams and wetlands to provide habitat for herons. This additional 50-foot buffer shall be planted with dense native plant material to discourage human intrusion into feeding or nesting and roosting areas. Plantings shall be reviewed and approved by the City.~~
 - ~~b. For subdivisions and short subdivisions adjacent to Lake Washington within the heron habitat protection area, the required high waterline yard shall be increased by 50 feet. This additional 50-foot buffer shall be planted with dense native plant material to discourage human intrusion into feeding or nesting and roosting areas. Plantings shall be reviewed and approved by the City.~~
 - ~~c. New docks, piers, bulkheads, and boat ramps constructed within the heron habitat protection area shall mitigate for loss of heron feeding habitat by providing enhanced native vegetation approved by the City adjacent to the development or between the development and the shoreline. Bulkheads shall be buffered from the water's edge by enhanced plantings of native vegetation approved by the City.~~

Chapter 180 – PLATES

~~Plate 39 Heron Habitat Protection~~ **Heron Habitat Protection Area**



March 30, 2012

Kirkland City Council
City of Kirkland
123 5th Ave N.E.
Kirkland, WA. 98033

Re: Planning Commission work plan and Art Community Parking

Dear City Council,

May of you are aware that we would like to bring an affordable live, work, display and sell Art Community to our downtown.

After working with Jeremy McMahan, who was very helpful, it has become clear that the parking code does not anticipate our mini-suites and Single Resident Occupants "SRO's". In our Redmond community, half of our residents do not own a car, by example.

We request that you consider putting SRO mini-suite recognition into your parking code so that we can move forward with our Art Community application process. Time is of the essence.

Separately, you may also want to consider a review by the Planning Commission of some of your downtown parking standards because we believe you did not intend the results from a sustainable perspective. At this time, a four bedroom condominium or apartment is required to have five parking spaces, three more than a four bedroom single family home.

Plans of our Redmond Art Community are available for those who have not seen the concept. If we can be of assistance in answering any questions, please feel free to call or email. Thank you for your consideration.

Warm Regards,

Robert Pantley



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